Acta Apostolicae Sedis

Volume V (1913)
Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
Romæ: Typis Polyglottis Vaticanis, 1913

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 5*]

Year V. - Vol. V. January 25, 1913. No. 1. OFFICIAL ACTS OF THE SACRED CONGREGATION FOR THE EAST. ACTS OF HIS HOLINESS, POPE PIUS X, BY HIS OWN MOTION, CONCERNING THE GOVERNMENT OF THE ORDER OF THE FRATRES MINORES CONVENTUALES DURING THE ILLNESS OF THE GENERAL MINISTER. The supreme office entrusted to Our humility in the entire Church, in the administration of sacred matters, demands that we see to the proper functioning of any Order whatsoever. Furthermore, since Our beloved son, Victor Mariae Sottaz, General Minister of the Order of the Fratres Minores Conventuales, is compelled by a long-standing infirmity to cease his labors; while he remains in the office of General Minister, we choose, to administer the religious affairs of the entire Conventual Order, the devout man Franciscus Mariam Dall'Olio, Procurator of the same Order, also as General Vicar, with all the faculties due to him. In addition to the two already present, namely the beloved Hieronymo Mariae Mileta and Stephano Mariae Ignudi, we add two others, the beloved Aloysius Mariam Santoro, Penitentiary in the Basilica Vaticana, and Dominicus Mariam Tavani, prefect of the Seraphic College of St. Theodore in Urbe, who, remaining in their offices, will be available to the aforementioned General Vicar in all matters, and from whom he will be obliged to solicit their deliberative opinions. Moreover, in all assemblies of the General Curia, the counsel and opinions of the religious Franciscus Mariae Formenti will also be sought, especially if there is to be discussion of sacred missions for the edification of the people.

[*Latin ed. p. 6*]

6. Acta Apostolicae Sedis. – Official Commentary. These decrees and statutes, as stated above, shall be observed by all members of the Regular Order until the General Congregation to be held in the year 1913, so that it may be pleasing to each religious to conform to the will of the Superiors, and to render them obedience and reverence with a prompt and cheerful spirit, notwithstanding the Apostolic Constitutions and Ordinances, even those especially worthy of mention, and all other contrary things whatsoever. While we earnestly pray that the esteemed General may soon be fully restored to health, we impart the apostolic blessing to all our beloved sons. Given in Rome, at St. Peter's, on the 17th of December, 1912. PIUS PP. X.

S. CONGREGATIO CONSISTORIALIS. PROVISION FOR CHURCHES. By successive decrees of the Sacred Consistorial Congregation, the Most Holy Pope Pius PP. X has provided for the following churches with their respective pastors, namely:

13th of December, 1912. – To the Metropolitan Church of Strigoniensi, he appointed Rev. Mons. Ioannem Csernoch, formerly Archbishop of Colocensem and Bacsiensem.

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14th of December. – To the Archiepiscopal Church of Cusentinae, he appointed Rev. Thomam Trussoni, General Vicar of Comensem and Canon of the Cathedral Church.

– To the Cathedral Church of Lugosiensi of the Romanians, he appointed Rev. Valerium Traian Frentin, a priest of the same diocese, and there, a vicarious forane.

– To the Cathedral Church of Banialucensi, he appointed Rev. P. Iosephum Garic, in the world Stephanus, of the Order of the Friars Minor of the Leonian Union, of the province of Bosnia-Argentinae.

[*Latin ed. p. 7*]

Sacred Congregation of Religious. December 19, 1912. — To the Reverend Monsignor Franciscus Di Costanzo, titular Bishop of Amisus, already Bishop of Monopoli. December 20. — To the Reverend Father Joseph Mariam Tissier, Vicar General of Chartres, of the Cathedral Church of Châlons. CIRCULAR LETTERS TO THE SUPERIORS OF ORDERS AND RELIGIOUS CONGREGATIONS CONCERNING THE READING OF EPHEMERIDES. 0. In the file No. 21 of the Acta Apostolicae Sedis, dated December 2, 1912, the following notice was published: "To remove the misunderstanding that certain 'newspapers' are creating among the clergy and the faithful, it is declared that the Holy See does not recognize as being in conformity with pontifical directives and with the norms of the Letter of Our Holy Father to the Lombard Episcopate, dated July 1, 1911, the following newspapers: L'Avvenire d'Italia, Il Momento, Il Corriere d'Italia, Il Corriere di Sicilia, L'Italia, and others of the same kind, whatever may be the intentions of some excellent people who direct and support them." Now, although this Sacred Congregation is persuaded that no religious family has renewed its subscription to the aforementioned newspapers following such a notice, nevertheless, having learned that it is given the most strange interpretations, it deems it appropriate to declare, in order to remove all ambiguity, that it is forbidden to religious not only to subscribe to, but also to read, the aforementioned newspapers. If, however, any religious, for just reasons, finds himself in the necessity of reading one of them, he must receive special written authorization from his superiors. Rome, January 15, 1913. Fr. G. C. CARD. VIVES, Prefect. Donato, Archbishop of Ephesus, Secretary.

[*Latin ed. p. 8*]

8 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. APPOINTMENTS OF BISHOPS. By brief apostolic letters, the following were appointed: September 14, 1912. – As titular Bishop of Batnae and auxiliary to the Patriarch of Antioch of the Syrians, the Reverend Father Dominic Tappuni. December 10. – As titular Bishop of Coire and coadjutor with right of succession to the

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Apostolic Vicar of Gabon in Central Africa, the Reverend Father Ludovic Martrou, of the Congregation of the Holy Spirit. December 11. – As titular Bishop of Magydus and Apostolic Vicar of Tomkin Southern, the Reverend Father Andrew Leontius Joseph Eloy, a graduate of the Parisian Seminary for Foreign Missions. December 12. – As titular Bishop of Laranda and coadjutor with right of succession to the Apostolic Vicar of Western Cochinchina, the Reverend Father Victor Charles Quinton, a graduate of the Parisian Seminary for Foreign Missions. – As Apostolic Vicar of the new Vicariate of Kivu in Africa, the Reverend Father Joseph Hirth, titular Bishop of Thevestin and Apostolic Vicar of Victoria Nyanza Southern. December 13. – As titular Bishop of Lyrbe and coadjutor with right of succession to the Apostolic Vicar of Sofia and Plovdiv, the Reverend Father Cletus a Baltaggia, formerly Vincent Peiov, of the Order of Friars Minor Capuchin. II. APPOINTMENT OF AN APOSTOLIC PROPREFECT. By decree of the Sacred Congregation for the Propagation of the Faith, the following was appointed: November 19, 1912. – As Apostolic Prefect of the new Prefecture of Nygata in Japan, the Reverend Father Joseph Reiners, of the Society of the Divine Word of Steyl.

[*Latin ed. p. 9*]

9. Holy Congregation of the Index. HOLY CONGREGATION OF THE INDEX. I. DECREE. Tuesday, January 13, 1913. The Holy Congregation of the most eminent and most reverend Cardinals of the Holy Roman Church, appointed by our most holy Lord Pope Pius X and the Holy Apostolic See to oversee the Index of books containing pernicious doctrine, and their condemnation, expurgation, and permission throughout the Christian republic, having met in the Apostolic Palace at the Vatican on January 13, 1913, condemned and condemns, prohibits and prohibits, or otherwise condemns and prohibits the following works from being included in the Index of Prohibited Books, and orders that they be so included:

* FAVERO, Most Reverend Monsignor L. Puecher-Passavalli, Apostolic Preacher, Vicar of St. Peter, *Ricordi e lettere* (1870-1897). Milan, Turin, Rome, 1911.

* BEGEY KARL HOLZHEY, *Kurzgefasstes Lehrbuch das Alte Testament*. Paderborn, 1912.

* *der speziellen Einleitung in Mi concepto del mundo. Libro tercero : El mundo y el yo*. Salvador, 1911.

* LASPLASAS, *humano. San — Discurso sobre la filosofía; resumen de ” Mi concepto del mundo”*. Barcelona, 1912.

* 45 *THESEN ZUR GEWERKSCHAFTS-ENZYKLIKA « Singulari quadam »* von Ghibellinus und Germanicus. Dedicated with respect to His Eminence, the Most Reverend Cardinal Kopp, Prince-Bishop of Breslau, and to His Excellency, the Honorable Minister of Culture Trott zu

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Solz. Herford in Westphalia, 1912.

* VALERIANO FERRACCI, *Cenni biografici della Serva di Dio Paola Mandatori-Sacchetti*. Rome, 1905. - Beer. S. Off. August 28, 1912.

Therefore, no person of any rank or condition whatsoever shall, in any place or language, henceforth dare to publish, or to read or retain, the aforementioned condemned and prohibited works, under the penalties indicated in the Index of Prohibited Books.

[*Latin ed. p. 10*]

10 Acta Apostolicae Sedis. - Official Commentary. Which, having been related to our most holy Lord Pope Pius X by me, the undersigned Secretary, His Holiness approved, and ordered to be promulgated. In witness whereof, etc. Given in Rome, on the 20th of January, 1913. F. R. CARD. DELLA VOLPE, Prefect. L. S. Thomas Esser, O. P., Secretary. ALOYSIUS IZSÓF, T. H. DE GAUZONS, and VALERIANUS FERRACCI, having commendably submitted to the decrees by which certain of their books were prohibited. In witness whereof, etc. Thomas Esser, O. P., Secretary. S. CONGREGATION FOR THE RITES, VIENNA, OR VENICE. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, FATHER MARCI OF AVIANO, PRIEST, OF THE ORDER OF MINOR FRIARS OF THE HOLY FRANCIS OF ASSISI, CAPUCHIN, AND APOSTOLIC MISSIONARY. In the town of Aviano, in the diocese of Concordia, within the territory of Venice, he was born to honest and pious parents, Marco Cristofori and Rosa Zanoni, to whom the name Charles was given at baptism. This man, scarcely having reached the age of discretion, leaving his beloved father and mother, entered the discipline of the Fathers of the Society of Jesus, at the college of Gorizia, so that he might diligently join letters with virtues. When he was already fifteen years of age, burning with the desire for martyrdom, he secretly undertook a journey into the lands of the Turks, but having given all his provisions to a certain poor man, he was compelled to remain in Constantinople, seeking lodging and sustenance in the Capuchin monastery. The Superior most graciously received him, and, more certain of the effect of his intention to pursue his journey, aided him with counsel and work so that he might return to his own. Having returned to his family, he felt the religious vocation which he had experienced, by divine inspiration.

[*Latin ed. p. 11*]

The Holy Congregation of Bishops. With the help of divine grace, he progressed so much that, after a year, he entered the Order of the Capuchins. Having duly completed his novitiate in Cologne, on November 21st of the year 1648, he received the habit of the religious life with great joy at the hands of Aloysius of Verona, the provincial superior of Venice, and received the name Mark, having previously been called Charles. Bound by

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solemn vows and advanced through all the degrees to the priesthood, he dedicated himself entirely to the sacred ministry for seven years, acquiring those qualities by which he might render himself more fit to serve Christ and to manifest Him. Sent by his Superiors first to the province of Belluno and then to that of Oristano, he demonstrated singular prudence and regular observance. Destined to preach the Word of God, he fulfilled this office admirably in Verona, in the church of St. Michael, during the Lenten sermons, and in many other cities of Italy and Europe, proving to be an excellent missionary. The year 1683 was a very difficult one for Hungary, Austria, and especially for the city of Vienna, which, already afflicted by famine and plague, was under a strict siege by countless Turkish forces. With its fortifications and walls largely destroyed, and its supplies almost exhausted, the city had defenders who were greatly outnumbered and weaker than the enemy forces, five times over. In these extreme straits, Mark appeared as if an angel and a harbinger of peace, sent by the Supreme Pontiff Innocent XI as a legate to the allied Christian army. He reconciled the leaders, and raised the hope of victory in all for the Lord God of Hosts. Scarcely had the fighting begun, when he himself, carrying the image of the Crucifix, passed through the ranks, inspiring courage in the Christians and terror in the Turks. Thus, the victory was won, and Vienna was liberated from the Turkish siege and invasion. Upon his return to Venice, with the authority of the Supreme Pontiff, he arranged for the initiation of a treaty against the common enemies between the Venetian Republic, Emperor Leopold, and King John Sobieski, with a happy outcome: which proved to be of great benefit. And after the Turks, having been defeated by the allied army on land and sea, had sought and obtained peace, the Servant of God was greeted not only by the people of Vienna and Venice, but by all Christians, as their savior, pillar, and administrator of heavenly blessings. Finally, at the turn of the year 1699, having completed the Lenten sermons in Ceneda, he again visited Vienna, hoping that he might be of some benefit to the Catholic cause. But a few months later, weakened by his labors, he fell ill with a fatal disease. Emperor Leopold, who considered Mark as a friend and a father in Christ, frequently visited the ailing man with his family, and the Cardinals, bishops, and princes also came to see him, and the Apostolic Nuncio, Tañara, in the name of the Supreme Pontiff, consoled the dying man with a plenary indulgence; who, refreshed by the sacraments of the Church, and alone with God.

[*Latin ed. p. 12*]

Acts of the Apostolic See. - Official Commentary. Having been afflicted by illness, he breathed his last on the thirteenth of August. At the command of Emperor Leopold, with solemn funeral rites, in the presence of a very large number of clergy and people, and with a noble burial and epitaph, the Servant of God was honored, whose reputation for sanctity, even after

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his death, has remained and increased to such an extent that investigative proceedings have been instituted in the Viennese and Venetian Curias; and to this Venetian investigation, the Patriarch himself attended and presided, who now sits in the Chair of Peter, the Most Blessed Father Pius X. The procedural acts were then presented to the Sacred Congregation of Rites, and, with due observance of legal procedure, at the urgent request of the Reverend Father Joseph Anthony of St. John in Persiceto, General Postulator of the Order of the Capuchin Minor Brothers, and after consideration of the following petitions from Emperor Francis Joseph of Austria and Hungary, and from Archduke Francis Ferdinand, and from other Archdukes and Archduchesses, and also at the request of several Eminent Fathers of the Holy Roman Church, Cardinals, and of most Reverend Archbishops and Bishops, as well as Chapters and religious Families, especially the Order of St. Francis, together with many persons of distinction and nobility, the Eminent and Reverend Monsignor Dominic Ferrata, Promoter of this Cause, in the meetings of the Ordinary Section of the Sacred Congregation of Rites, convened at the Vatican on the date indicated, proposed the following question for discussion: Whether a Commission should be appointed for the introduction of the Cause, in this case and to the effect of which we are speaking? And the Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the aforementioned Promoter, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, having carefully considered all matters, decided to respond: Affirmative, that is, a Commission should be appointed, if it pleases the Most Holy [Pope]. On December 10, 1912. After all of the above was reported to the Most Holy Pope Pius X by the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, His Holiness, approving the decree of the same Sacred Congregation, deigned to sign the Commission for the introduction of the Cause of beatification and canonization of the Venerable Servant of God, Father Mark of Aviano, professed priest of the Order of the Capuchin Minor Brothers of St. Francis, and apostolic missionary, on the eleventh day of the same month and year. Fr. S. CARD. MARTINELLI, S. M. C. Prefect. L. © S. f. Petrus La Fontaine, Ep. Charystien., Secretary.

[*Latin ed. p. 13*]

Sacred Roman Rota. 13. SACRA ROMANA ROTA. In the Sacred Roman Rota, in the year 1912, the following causes were heard under seal, of which the definitive judgment is published only in part, in the following manner:

I. PARISIAN. – Concerning the nullity of a marriage. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, G. Sebastiani, Ponens, S. Many and J. Mori, Auditors of Tournon, on January 15, 1912, judged that: Affirmative. An appeal was interposed against the judgment, and a judgment was rendered on May

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24 of this year.

II. ROMAN. – Concerning the nullity of a marriage. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, Auditors, after considering all matters, on January 17, 1912, judged that: Negative.

III. JANUAN. – Concerning the removal and restoration of damages. The questions proposed were: I. Has the Reverend Father been unjustly removed from his office? And, to the extent that the answer is affirmative, II. By whom, and in what measure, and how should the damages be restored to him in this case? The Reverend Fathers, Doctors, A. Sincero, Ponens, J. Mori and F. Cattani, Auditors of Tournon, on February 1, 1912, judged that: Regarding the first question, Affirmative; regarding the second, the damages are to be restored, in the measure of ten thousand livres, to be determined by the Ordinary, to be paid within two years, with a guarantee immediately given to the Court. An appeal was interposed against the judgment, and a judgment was rendered on August 13 of the same year.

IV. VERSAILLES. – Concerning the nullity of a marriage. The question proposed was: Does the nullity of the marriage exist in this case? The Reverend Fathers, Doctors, F. Cattani, Ponens, A. Perathoner and J. Alberti, Auditors of Tournon, on February 10, 1912, judged that: Affirmative.

[*Latin ed. p. 14*]

14. Acta Apostolicae Sedis. - Official Commentary. V. CONSTANTINIAN. - Regarding Defamation. The question presented was: Whether the total judgment of June 12, 1911, should be confirmed or rejected in this case; The Most Reverend Fathers, Doctors G. Sebastiani, S. Many, and P. Rossetti, Auditors at Tournon, on February 24, 1912, judged that the answer should be: Negatively to the first part; affirmatively to the second, that is, that the initial total judgment of December 12, 1910, should be confirmed.

VI. AQUBN. IN GALLIA. - Regarding the Use of a School Building. The questions presented were: I. Whether Mr. NN. is obligated, and indeed effectively even with regard to his heirs, to grant to Mr. VV. the free use of the building in question, for the purpose of having a school there: and to the extent that the answer is affirmative; II. What compensation is due to Mr. NN.; The Most Reverend Fathers, Doctors S. Many, presiding, F. Heiner, and J. Prior, Auditors at Tournon, on April 2, 1912, judged that the answer should be: Negatively; but he is only obligated to pay a certain annual contribution to Mr. VV. for the parish school, the amount of which shall be determined by an arbitrator in the judgment.

VII. GNESNEN. - Regarding Patronage. The question presented was: Whether the total judgment of February 1, 1911, should be confirmed or

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rejected in this case; The Most Reverend Fathers, Doctors S. Many, presiding, F. Heiner, and J. Prior, Auditors at Tournon, on April 12, 1912, judged that the answer should be: Affirmatively to the first part, negatively to the second, that is, that the aforementioned judgment should be confirmed.

VIII. MATRITEN. - Regarding Separation from Bed and Board and Cohabitation. The question presented was: Whether there exist legitimate grounds for a semi-divorce, or separation from bed and board and cohabitation, in this case; The Most Reverend Fathers, Doctors, after considering all matters, by vote, from the commission of the Most Holy, on April 20, 1912, issued the following judgment: That there exist grounds for a temporary separation, according to the manner expressed in the judgments of the Curias of Matritensis and Toletanae.

IX. PAMPILONEN. - Regarding Parochial Jurisdiction. The questions presented were: I. To whom does the parochial jurisdiction belong over the building in question, as mentioned in the decree of the Most Reverend Curia in this case; II. To whom does the inheritance of Mr. NN. belong, as stated in the will; The Most Reverend Fathers, Doctors A. Perathoner, presiding, J. Alberti, and P. Rossetti, Auditors at Tournon, on May 14, 1912, judged that the answer should be: Regarding I. The parochial jurisdiction over the building.

[*Latin ed. p. 15*]

15. Saint Bomatta Bota. Concerning which, in the decree of the Curia, it pertains to the parish priest. To the Most Reverend NN. It pertains to the same parish priest. Against the judgment, an appeal was interposed.

X. VERSALIEN. Nullity of marriage. The proposed doubt: Whether nullity of marriage can be established in this case; The Most Reverend Fathers, DD. J. Prior, Ponens, A. Sincero, and J. Mori, Auditors of Tournon, on the 20th of May, 1912, judged that: Negatively. Against the judgment, an appeal was interposed.

XI. BITURIGEN. Nullity of marriage. The proposed doubt: Whether nullity of marriage can be established in this case; The Most Reverend Fathers, DD. S. Many, Ponens, F. Heiner, and J. Prior, Auditors of Tournon, on the 23rd of May, 1912, judged that: Negatively. Against the judgment, an appeal was interposed.

XI. PARISIEN. Nullity of marriage. The proposed doubt: Whether the final judgment of the 15th of January, 1912, should be confirmed or rejected in this case; The Reverend Monsignor Lega, Dean, Ponens, and the Most Reverend Fathers, DD. J. Alberti and P. Rossetti, Auditors of Tournon, on the 24th of May, 1912, judged that: The final judgment should be confirmed.

XIII. WŁADISLAVIEN. Nullity of marriage. The proposed doubt: Whether nullity of marriage can be established in this case; The Most Reverend Fathers, DD. F. Heiner, Ponens, G. Sebastianeiii, and S. Many,

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Auditors of Tournon, on the 24th of June, 1912, judged that: Affirmatively.

XIV. VESTMONASTERIEN. Nullity of marriage. The proposed doubt: Whether nullity of marriage can be established in this case; The Most Reverend Fathers, DD. S. Many, Ponens, F. Heiner, and J. Prior, Auditors of Tournon, on the 1st of July, 1912, judged that: Affirmatively. Against the judgment, an appeal was interposed, and a judgment was rendered on the 21st of December, 1912.

XV. ROMANA, or SALERNITANA. Regarding the restitution of damages. The proposed doubt: Whether the Sacred Congregation has the right to restitution or compensation for damages against the Reverend Lord X, due to his actions in letters, etc., and in what measure and manner, in this case; The Reverend Monsignor Lega, Dean, Ponens, and the Most Reverend Fathers, DD. F. Cattani and A. Perathoner, Auditors.

[*Latin ed. p. 16*]

16. *Acta Apostolicae Sedis.* - Official Commentary. The Reverend Fathers of Tournon, on July 10, 1912, judged that the following should be answered: Negatively, or that it is not established. An appeal was interposed against the judgment.

16. CINCINNATI. Regarding the removal, or translation, from a parish. The question proposed: Whether the decree of the Most Reverend Archbishop, by which the Reverend NN. was transferred from the parish, should be confirmed or annulled in this case. The Reverend Fathers, DD. J. Prior Ponens, A. Sincero, and J. Mori, Auditors of the turn, on July 16, 1912, judged that the following should be answered: Affirmatively regarding the first part, negatively regarding the second part, that is, to confirm the decree of the Archbishop.

17. HEUPOPOLITANA. Regarding jurisdiction. The questions proposed: I. Whether the question resolved by the rescript of the aforementioned day is incidental or definitive in this case? And, to the extent that it is affirmative, or incidental, II. Whether there is a place for the revocation of the rescript or judgment of the aforementioned day in this case. The Most Reverend M. Lega Becanus, Ponens, and the Reverend Fathers, DD. G. Sebastianeiii and S. Many, Auditors of the turn, on July 24, 1912, judged that the following should be answered: Regarding I, the question is incidental; regarding II, negatively and in its entirety.

18. JANUAN. Regarding removal and the restoration of damages. The question proposed: Whether the final judgment of February 1, 1912, should be confirmed or annulled in this case. The Reverend Fathers, DD. S. Many, Ponens, F. Heiner, and J. Prior, Auditors of the turn, on August 13, 1912, judged that the following should be answered: The judgment should be annulled.

19. CONVERSANEN. Regarding impediments to contracting marriage.

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The questions proposed: 1. Whether the judgments of the first and second instances are null; and, to the extent that they are negative: II. Whether there is a place for restitution in its entirety; and, to the extent that they are affirmative regarding either of the questions: III. Whether there is established the existence of an impediment in this case. IV. Whether there is a place for the restoration of damages in this case. The Reverend Fathers, DD. A. Sincero, Ponens, J. Mori, and F. Cattani, Auditors of the turn, on August 26, 1912, judged that the following should be answered: Negatively in all things.

20. PETROCORICENSE. Regarding the nullity of marriage. The question proposed: Whether the nullity of the marriage is established in this case. The Most Reverend M. Lega Decanus, Ponens, and the Reverend Fathers, DD. G. Sebastianeiii and P. Rossetti, Auditors of the turn, on August 27, 1912, judged that the following should be answered: Negatively.

[*Latin ed. p. 17*]

17. Secretariat of State. XXI. VESTMONASTERY. A doubtful case: whether to order or to confirm – Nullity of marriage. Whether the total sentence of the day in the case; Rome, July 1, 1912, was confirmed by M. Lega, Dean, and the Most Reverend Fathers, DD. G. Sebastiani and P. Rossetti, Auditors of Tournon, under the date of December 21, 1912, it was judged that the total sentence should be confirmed. Rome, from the Chancery of the Holy Roman Rota, on January 22, 1913. Sac. Tancredes Tani, Notary. LETTERS. I. – To the Reverend Father Virgil Mera U., of the Order of the Friars Minor Capuchin, President of the Confederation of Saint Michael the Archangel, for the dissemination of the Catechism among Catholic families, most reverently offered to the Most Blessed Father. Reverend Father, Along with your official letters, a copy of the Catholic Catechism has been delivered to the Most Blessed Father, which this Confederation of Saint Michael the Archangel seeks to disseminate among Catholic families, a most laudable purpose; and know that this small gift has been pleasing to the august Pontiff, and that the most heartfelt expression of your and your associates' piety has been shown to him. In place of paternal affection, His Holiness remembers with gratitude, and with a sincere heart bestows upon you and the members of the aforementioned Confederation the apostolic blessing, with the good wishes of heaven. Please accept my thanks for another copy of the same Catechism, which you kindly presented to me. Believe me to be yours. December 16, 1912. Most devotedly, R. CARD. MERRY DEL VAL. ACTS, vol. V, no. 1. – «5-1-1913 2.

[*Latin ed. p. 18*]

18 Acta Apostolicae Sedis. - Official Commentary. TO THE COUNT DE MUN, WHO IS IN CHARGE OF THE WORK ENTITLED "LES CERCLES

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CATHOLIQUES D'OUVRIERS," A TESTIMONY OF OBEDIENCE AND DEVOTION TO THE MOST BLESSED FATHER HAS BEEN PRESENTED. Monsieur le Comte, the Holy Father received with great pleasure the expression of filial sentiments that you presented to Him on behalf of the Work of Catholic Circles. He has known these sentiments for a long time, and He knows their perfect sincerity, having followed the development of the Work with very sympathetic attention, and not ignoring, above all, that after having been its creator, you have remained its soul. It was very pleasing to Him to note that this filial piety towards the Supreme Pontiff, which is especially manifested in obedience to the teachings of the Church, of which He is the Head, and in submission to the bishops who are His representatives, has sought, during the year that has just ended, to provide new guarantees. He finds it particularly opportune, and very pleasing, that the Council of Studies has sought to protect itself more and more against all opinions that would not be entirely in conformity with sound theology. As you rightly point out, Monsieur le Comte, there are delicate points in Catholic social doctrine, on which it is important to be well informed, if one wishes that the action to be exercised on the popular masses, from the triple point of view of religion, morality, and material matters, not only be governed, as is necessary, by truth, but does not come to turn against itself, distorting it. Without the spirit that you have been able to instill in your Work, does one not see, for example, the domain of justice expanded, more than measured, to the detriment of charity; the right of property subordinated to its use, and this use becoming a function, not of charity, but of justice; in the name of a mistaken conception of certain social organizations, rights and duties created out of whole cloth, where natural law consecrates freedom? Does one not still see charity itself volatilized into a vague fraternity, where, on the one hand, the order that is essential to it, and for which reason it is called the order of charity, tends to disappear, and where, on the other hand, one dreams of dissolving inequalities?

[*Latin ed. p. 19*]

Secretariat of State. 19 social? Does one not finally see, and this is the worst thing, a so-called Catholic natural right seeking to be founded, not on the eternal principles engraved in the depths of conscience, but on contingencies with which experience and history are concerned? The Holy Father can only lament these doctrines and others similar to them. This makes all the more vivid His joy in observing, in your Work, a spirit of perfect orthodoxy, which seeks, thanks to a redoubling of precautions, to preserve itself forever. This is what He especially wishes to commend highly, and to commend you. And so that divine grace may fructify what it has already inspired, His Holiness sends, with all His heart, His apostolic blessing to you, as well as to your zealous collaborators. For my part, I thank you for the wishes you have kindly addressed to me, and I gladly take this

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opportunity to offer you, Monsieur le Comte, the assurance of my entire devotion in Our Lord. January 3, 1913. R. CARD. MERRY DEL VAL. III. TO SAG. ALOISIUS, Titular see of Bethlehem, Diocese of CAMERACENSIS, CONCERNING THE WORK "L'ŒUVRE DES LECTORES," WHICH HE HIMSELF FOUNDED AND PROMOTES WITH DILIGENCE. Reverend Father, The "Work of Readings" that you began several years ago, and which you continue with ever-increasing success, under the high approval of His Most Reverend Excellency, the Archbishop of Cambray, responds to a need that is too current and too fundamental not to have attracted the benevolent attention of the Supreme Pontiff, the Pastor of Pastors, to Whom is entrusted the care of all souls redeemed by the blood of Our Lord Jesus Christ. To make known to the Catholic public, and especially to families and the clergy, the moral and religious value of works of all kinds on which they must be informed, to warn against bad readings and to point out the good ones, both through the publication of works, brochures, and tracts, and through a periodical that fully justifies its title of "General Guide to Readings," is an undertaking no less vast than necessary, which brings great honor.

[*Latin ed. p. 20*]

20 Acta Apostolicae Sedis. - Official Commentary. Your zeal and your priestly activity merit the highest recognition from all honest people, and especially from those who are devoted to souls. As this work is opportune, it also presents difficulties of many kinds, and it must be pursued with vigilance and courage, with views and with a spirit that are always absolutely Catholic and supernatural. The results that you have already achieved, which are very consoling, are the best proof that you have remained constantly faithful to the duties of such a high and delicate ministry. The Holy Fathers applaud these successes and desire that your work continue to enlighten, to protect, and to guide Catholics in the very important choice of readings. From the bottom of his heart, the Holy Father approves and blesses your work and its collaborators, and He grants you, yourself, an affectionate apostolic blessing. I am happy to express my personal congratulations to you, and to renew, Reverend Father, the assurance of my best sentiments in Our Lord. January 13, 1913. R. CARD. MERRY DEL VAL. SACRED CONGREGATION OF THE HOLY OFFICE. NOTICE OF COMPETITION. By order of the Most Reverend Cardinals, Inquisitors General, issued on Thursday, January 8, 1913, a competition is announced for the office of Substitute in the Chancery of the Holy Office. Therefore, the Reverend Priests who aspire to this office are invited to submit to the undersigned, no later than February 15, the application with the relevant requirements for admission to the written examination, which will take place on the 20th day of that month in the palace of the Holy Office, at 8:00 AM. From the palace of the Holy Office, January 13, 1913. L. Castellano,

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Notary.

[*Latin ed. p. 21*]

Diary of the Congregation of Boniana. 21 SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION A. On January 21, 1913, before the Most Reverend and Illustrious Cardinal Giuseppe Calasanzio Vives y Tuto, Promoter of the Cause, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates, Officials, and the Most Reverend Consultors, theologians, discussed and gave their votes regarding three miracles, which are asserted to have been wrought by God through the intercession of the Venerable Mary Crucified of the Wounds of Our Lord Jesus Christ, a Franciscan Tertiary, and which are proposed for her Beatification. SECRETARY OF STATE. NOTICE. Due to the summer season, by superior order, the Papal Mass of July 20, for the anniversary of the death of the Supreme Pontiff Leo XIII, is transferred to November 5, and the Papal Mass of August 9, for the anniversary of the blessed reign of His Holiness Pius X, is likewise transferred to November 16, which is the date on which the anniversary of the episcopal consecration of the same Holiness occurs. BY PAPAL BULLS. The Holy Father deigned to appoint: January 3, 1913. — The Most Reverend Cardinal Gaetano Bisleti, Protector of the Institute of the Daughters of the Most Sacred Hearts, which has its motherhouse in Genoa. January 7. — The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Congregation of the Brothers of Our Lady of Mercy. January 10. — Monsignor Giovanni Bressan, Secret Chaplain of His Holiness, Consultor of the Cardinal Commission for the Work of the Preservation of the Faith. By Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: December 12, 1912. — Monsignor Rodolfo de Linde, Archdiaconal Prelate of the Metropolitan Church of Olmütz. — Monsignor Giovanni Pospisil, Canon of the same Metropolitan Church. — The Reverend Adam Potulicki, Dean of the same Metropolitan Church.

[*Latin ed. p. 22*]

Acta Apostolicae Sedis. - Official Commentary. December 14, 1912. — The Reverend Luciano Augusto Ghosson, general vicar of the diocese of Valence. — The Reverend Luigi Alessandro Guichard, another general vicar of the same diocese. December 18. — The Reverend Carlo Mayer, canon and lector of the cathedral of Alba Regale. January 8, 1913. — The Reverend canon Giacomo Pliveric, rector of the major seminary of Diakovo and penitentiary of the cathedral of Sirmio. January 9. — The Reverend Francesco Ehrmann, secretary and canon in attendance to His Eminence Cardinal Bauer, Archbishop of Olmütz. Domestic Prelates of His Holiness: December 11, 1912. — The Reverend Francesco Vaculik, dean of the collegiate church of Kromeriz, in the archdiocese of Olmütz. — The Reverend

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Ignazio Maiss, honorary canon of the aforementioned collegiate church. December 13. — The Reverend Doctor Candido Manzanos Saens, of the diocese of Madrid. December 16. — The Reverend Doctor Giuseppe Gruber, canon and scholastic of the chapter of Saint Hippolytus. — The Reverend Alfonso Scheglmann, general vicar of the diocese of Ratisbon. — The Reverend Volfango Schreiner, dean of the cathedral of the same diocese. December 22. — Monsignor Giuseppe Pescini, secret chaplain of His Holiness. January 9, 1913. — The Reverend Giovanni Ireneo Joffily, canon of the diocese of Parahyba. — The Reverend Doctor Pietro Chirico, of the archdiocese of Bari. With letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Secret Chamberlains of His Holiness: December 19, 1912. — Monsignor Carlo Lorenz, of the archdiocese of Olmütz. January 11, 1913. — Monsignor Mattia Dubrović, of the diocese of Trieste. — Monsignor Massimiliano Rippler, pastor of Memmingen, of the diocese of Augsburg. January 13. — Monsignor Francesco Biskup, pastor of Castres and minor archchaplain of the Prussian army in Frankfurt. January 14. — Monsignor Emanuele Gonzalez y Garcia, of the archdiocese of Seville. — Monsignor Luigi Magnavacca, of the archdiocese of Bologna. January 17. — Monsignor Carlo Forstner, of the diocese of Saint Hippolytus. — Monsignor Leopoldo Gstettner, of the same diocese.

[*Latin ed. p. 23*]

Diarium Romanae Curiae. Honorary Chamberlains in peacock-blue attire of His Holiness: December 19, 1912. — Monsignor Francesco Gillig, of the archdiocese of Olmütz. — Monsignor Carlo Polzer, of the same archdiocese. January 13, 1913. — Monsignor Anthony Bertaccini, of the diocese of Forlì. Honorary Chamberlain of Sword and Cape of His Holiness: January 15, 1913. — Mr. Paolo Geng, of the diocese of Versailles. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Pius: December 5, 1912. — To Mr. Count Gustavo Norman of Ehrenfels, intimate counselor of state of His Imperial and Royal Apostolic Majesty. The Grand Cross of the Order of Saint Sylvester Pope: December 23, 1912. — To Mr. Agostino Thyssen, residing at the castle of Landsberg near Kettwig. The Insignia of the Order of Saint Gregory the Great: November 5, 1912. — To Mr. Giuseppe Burgstaller de Bidischini, of the archdiocese of Trieste. December 11. — To Mr. Francesco Sedlácek, aulic counselor, of the archdiocese of Olmütz. December 17. — To Mr. Albert Galli, professor, director general of the pontifical museums and galleries. The Commanderate of the Order of Saint Gregory the Great, civil class: December 11, 1912. — To Mr. Eugenio Hofman, residing in the archdiocese of Paris. December 18. — To Mr. Cornelio Leonardo Bressers, residing in Doügen in the diocese of Breda. January 8, 1913. — To Mr. Marquis Giacomo of Kernier, deputy of the department of Ille-et-Vilaine. January 10. — To Mr. Don Giovanni Bello Rozas, first secretary of the Legation of Chile

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to the Holy See. The Commanderate of the Order of Saint Sylvester Pope: December 12, 1912. — To Mr. Domenico González Eyzaguirre, of Santiago del Chile. — To Mr. Maurizio Hruban, Knight, Doctor, of the archdiocese of Olmütz.

[*Latin ed. p. 24*]

Acts of the Apostolic See. - Official Commentary. The Knighthood of the Order of St. Gregory the Great, civil class: November 19, 1912. — To Mr. Francesco 't Kint de Roodenbeke, of Brussels. November 29. — To Mr. Goloniano Ghyezy de Ghyczy Assa e Ablanczkiirtb, of the diocese of Segna. December 10, 1912. — To Mr. David Howell, of the diocese of Plymouth. December 14. — To Mr. Frederick P. Kenkel, of the diocese of St. Louis (Missouri). December 15. — To Mr. Enrico Lino Margerin, residing in the diocese of Versailles. December 18. — To Mr. Albert Beckmann, of the diocese of Münster. December 19. — To Mr. Giuseppe Mertens, General Consul of Germany in Constantinople. December 21. — To Mr. Giulio Zimheld, of the archdiocese of Paris. December 30. — To Mr. Edmondo de Montardy, of the diocese of Angoulême. The Knighthood of the Order of St. Sylvester the Pope: December 17, 1912. — To Mr. Giovanni Fiedler, director of the savings bank of Königgrätz. January 3, 1913. — To Mr. Gustavo de Vos, of Antwerp.

NECROLOGY. January 1913. — Bishop Riccardo Viia y Matheu, titular Bishop of Adraa, Apostolic Vicar of Guam, in the Marian Islands. January 4. — Bishop Giovanni Blandini, Bishop of Noto. January 7. — Bishop Domenico Martino Carlo Willi, Bishop of Limburg. January 12. — Bishop Filippo Meunier, Bishop of Evreux.

[*Latin ed. p. 25*]

Year V. - Volume V. February 15, 1913. No. 2. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. POPE PIUS X. A LETTER APOSTOLIC. ON THE ERECTION OF A NEW APOSTOLIC VICARIATE OF KIVU IN AFRICA. PIUS X. For the perpetual memory of the matter. — The duty of the apostolate, which we exercise in the lands, reminds Us to diligently determine those things which may, for the good, prosperity, and happiness of the Catholic name and the eternal salvation of the faithful, occur. Therefore, considering all parts of the Christian world, even those most distant, from this most holy Chair of the Apostle Peter, as if turning the eyes of our mind from a lofty vantage point, We first of all seek that, with an increase in the number of Pastors, the care of the Lord's flock may be provided for with greater diligence. Guided by this counsel, We have deemed it fitting to accept the petition of the venerable brother Leo Livinhac, titular Bishop of Pacandus and Superior General of the Society of African Missionaries, who, with fervent prayers, has requested Us to erect the region called "Kivu" into a new apostolic

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vicariate, entrusting it to a proper administrator. Therefore, after carefully considering all relevant circumstances, with the Most Reverend Fathers, Cardinals Prefects of the Congregation for the Propagation of the Faith, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, We hereby separate the aforementioned region of Kivu, which lies on the western borders of the apostolic vicariates of Victoria Nyanza Meridionalis and Unianembensis, from those territories, and We establish it as an independent Apostolic Vicariate. The boundaries of this new vicariate shall be as follows: to the north, the boundary is...

[*Latin ed. p. 26*]

Acts of the Apostolic See. - Official Commentary. 26 of the English mission, from the point where it leaves the ”Kagera” river, up to the border of the Belgian territory, then the Belgian border up to the ”Kivu” lake. To the west, the aforementioned Belgian border: to the south, the northern boundaries of the districts of Uvinza and Ujyi; to the east, the course of the Kagera and Ruinvu rivers, then the western boundary of Ussuwi-Ovest, and finally, the eastern boundaries of the district of Una. This new vicariate shall be called the Apostolic Vicariate of Kivu, and the care of it shall be entrusted to the Missionaries of the Sacred Heart. We grant, we decree, that these present Letters shall always remain firm, valid, and effective, and shall have and obtain their full and complete effects, and shall fully suffice for those to whom they pertain, or may pertain; and that they shall be duly judged and defined, and shall be declared void and null, if anything should happen, by anyone, knowingly or unknowingly, to attempt to alter them. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and Ordinances, and all other things, with special and individual mention and derogation, to the contrary. Given at Rome, near St. Peter’s, under the Fisherman’s ring, on the twelfth day of December, 1907, in the tenth year of Our pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State.

THE ASSOCIATION OF THE HOLY HEART OF JESUS FOR THE PRAYER OF SOULS IN PURGATORY, THE NEW CHURCH, AND ALL THE WORKS FOUNDED BY THE DEVOUT PRIEST FATHER VICTOR JOUËT, ARE ENTRUSTED TO THE CARE OF THE MEMBERS OF THE MISSIONARY CONGREGATION OF THE HOLY HEART OF JESUS OF THE ITALIAN PROVINCE.

PIUS PP. X.

For the perpetual memory of the matter.

— Since nothing is more important to Us, who have received the high-

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est apostolate on earth by divine grace, than to promote divine worship everywhere on earth, We especially desire that in this beloved City, the center of the Catholic world, the same worship be held in due honor, and that the number and splendor of sacred buildings correspond to the increasing number of citizens. In the region of the City, which adjoins the Mausoleum of Hadrian, and is commonly called the "Castelli Gardens," where there was formerly only a bare field, there are now embellishments of civil dwellings.

[*Latin ed. p. 27*]

The Acts of Pope Pius X, page 27, show that the number of inhabitants is flourishing. Already in the year 1859, the pious priest Victor Jouet, a Missionary, in order to provide assistance to the spiritual needs of the faithful, opened a public chapel under the title of the Sacred Heart, and there, relying on the consent and support of ecclesiastical authority, he established a pious Association dedicated to the Sacred Heart of Jesus, for the purpose of praying for the souls detained in the fire of Purgatory. Pope Pius himself wanted the aforementioned chapel to be the central seat of this Association, which Our Predecessor, Pope Leo XIII, may he rest in peace, enriched and augmented with special privileges and indulgences. Approving of this fruitful work with all Our heart, and blessing it, We adorned the aforementioned chapel, through similar apostolic letters dated June 14th of the year 1907, with the privilege of obtaining the Indulgence of Portiuncula as often as desired, for a period of seven years; and We also granted, for a period of seven years, the apostolic privilege of offering Masses for the dead at both altars, namely the larger one and that dedicated to the Divine Archangel Michael. But, seeing that the chapel in Agout was deemed insufficient to accommodate the multitude of the faithful who came to attend the sacred functions, and with the care and diligence of the aforementioned pious Missionary, the foundations were laid for a larger temple, designed and adorned with notable works of art, for the honor of the Sacred Heart of Jesus, for the purpose of praying for the souls detained in the fire of Purgatory. We ourselves, knowing how much good would result from the construction of this new temple, especially for the people of that region, granted Our apostolic blessing, through Our own hand, to all who would contribute with their offerings to the construction of the aforementioned temple. The Founder, guided by a truly priestly spirit of charity towards both the living and the dead, did not spare himself from cares, nor from labors, for the growth of the pious Association, nor from the construction of the newly begun temple, nor from long and repeated journeys, nor from spreading the word through numerous writings. But the death of the Founder interrupted this pious work, and the Lord called him to eternal rest, before he could see the work, happily begun, completed. We, having before Our eyes the opportunity and utility of that work, so that

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the faithful would not be deprived of such a valuable spiritual support, We came to the decision to bring to fruition all the pious works undertaken by the Missionary during his life, in accordance with the intention of the Founder himself. Therefore, with a Motu Proprio, and with certain knowledge and mature deliberation, and with the fullness of Our apostolic power, by the present document, We entrust the aforementioned chapel of the Sacred Heart of Jesus, together with the adjoining house and the begun construction of the new, larger temple, to all Our beloved sons, the Missionaries of the Sacred Heart of Jesus, from the province of Italica, who...

[*Latin ed. p. 28*]

28 Acta Apostolicae Sedis. - Official Commentary. Those associated with the spiritual founder will provide the last consolations of religion to the dying. We also desire that the salutary Association of the Sacred Heart of Jesus, which the Missionary, as mentioned above, established for the proper expiation of souls detained in the fire of Purgatory, remain in the same Oratory and, in due time, in the new temple; and furthermore, We decree that the same Association shall derive its support from the corrected vineyard and from its own proper revenues. Moreover, the same Missionary priests from the province of Italica will undertake the administration and management of the aforementioned Oratory and the construction of the temple, as well as all related works. And if the new temple, whose foundations will soon arise from the ground, is established as a parish, as We intend, We decree that the same Missionaries, priests from the province of Italica, shall be entrusted with the care of it, observing the canonical laws regarding regular parishes. We also command that, for the time being, the same Missionary, who will be the Parish Priest of this new curial building, shall also be the Moderator of the aforementioned Association and of the annexed house. In order that this work may be established in a stable order from the beginning by Us, and as a special pledge of Our most favorable will, We present to Our beloved son, Peter Benedetti, priest of the Congregation of the Missionaries of the Sacred Heart of Jesus, who, at the time of the pious founder's death, and in the grave difficulties that followed his death, diligently advised so that nothing would harm this work, We choose him, with Our apostolic authority, as the Moderator of the aforementioned Association and temple, and We designate him to be the future Parish Priest in due time. Furthermore, We appoint Peter Benedetti as Our special Delegate for all the aforementioned works, so that he may depend only on Us in all matters pertaining to these works, and that he may report only to Us and to the apostolic See. In the future, We decree that the Moderator and Parish Priest shall be chosen by the Provincial Superior of the Missionaries of the Sacred Heart of Jesus, with the consent of his Council, and shall be presented to this Holy See for approval. After mutual consultation, the aforementioned Provincial Superior shall grant

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to the aforementioned Moderator and Parish Priest as many coadjutors as he deems necessary for the fulfillment of various duties. It is Our greatest desire that the fruitful Association founded by the pious man, Victor Jouet, persevere in the same spirit of charity, and be engaged in the practice of those very works which the pious founder understood and established; and We do not doubt that, entrusted to wise and active care, the works will, day by day, be improved by the Missionary members of the Sacred Heart of Jesus from the province of Italica.

[*Latin ed. p. 29*]

The acts of Pope Pius X, number 29, shall come into effect, and may then contribute to the good of the Church, and to the eternal salvation of the Christian people. These things, we grant, we command, we decree, declaring that these present letters shall always exist and remain, and shall be fully and integrally valid; shall produce and obtain their intended effects; and shall, for those to whom they pertain, or may pertain, now and in the future, fully suffice; and thus shall be rightly judged and defined, and shall become null and void, if anything should happen to be attempted concerning these matters by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's ring, on the twentieth day of January, 1913, in the tenth year of Our pontificate. R. CARD. MERRY DEL VAL, L.)$(S. a Secretis Status. LETTERS. I. TO THE MOST REVEREND FATHER JOSEPH A. ARCHAMBEAULT, BISHOP OF JOLIETTE, CONCERNING THE FLOURISHING STATE OF THE COLLEGE OF JOLIETTE, AND THEREFORE, GREETINGS. Venerable brother, greetings and the apostolic blessing. — We are most grateful for the care and vigilance of your predecessor, and for the recent reports we have received concerning the flourishing state of the College of Joliette. We have learned, with certain news, of a matter which we hold very dear, and we are delighted in the Lord, and we congratulate you greatly, venerable brother. For we believe that there is nothing from which the Church and the state can draw greater hope than from a young age that has been properly educated in letters and commendable virtue. We believe that the fortunate state of this college has, besides the help of God's providence, greatly benefited from the fact that you have so wisely regulated the discipline of the institute and the method of studies, so that, whatever kind of civil profession each student may prefer, he may be suitably prepared for it; and that those who have a good disposition of mind and talent for the priesthood may have the necessary assistance. Thus, by the grace of God, it has come to pass that, of the large number of students whom the College of Joliette has educated, many have been useful to the good of the state; and not a few, enriched by the priesthood, have offered a worthy service to the Church. As for Us, we certainly desire nothing more than that the same college may, not only

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flourish without interruption, but also...

[*Latin ed. p. 30*]

30 Acta Apostolicae Sedis. - Official Commentary. may grow and increase daily in merit and in the excellence of its arts. Furthermore, that this may happily come to pass, we desire and implore that divine assistance may flow to you; and as a testament to our benevolence and apostolic favor, we impart to you, venerable brother, to the directors and students of the Institute, and to your entire clergy and people, with the most favorable will. Given in Rome, at St. Peter's, on the sacred day honoring all the heavenly hosts, in the year 1912, in the tenth year of Our Pontificate. PIUS PP. X. II. TO THE MOST REVEREND FATHER PETER E. GARCIA NARANJO, ARCHBISHOP OF LIMA, AND OTHER BISHOPS OF THE REPUBLIC OF PERU, AFTER THE COUNCIL CELEBRATED BY THEM IN LIMA. Venerable brothers, greetings and apostolic blessing. — We have received with pleasure the acts of the Council of Lima, which you celebrated not long ago, with the help of God; and we have found in them a most evident testimony of your piety towards Us, and in those matters which, as you know, you have transmitted to the Sacred Congregation of the Council, a desire to restore and promote Catholic discipline in your dioceses. We are pleased and rejoice: for we desire nothing more than that all those with whom we share the apostolic ministry should be most closely united with Us, and most diligent in the care of their respective flocks; and in both respects, there is reason for hope. Indeed, venerable brothers, it is scarcely necessary to say that the more holy and well-instructed your clergy are, the more abundant will be the fruits. We therefore exhort and implore you in the Lord, that the discipline of the clergy should be your greatest concern, and above all, that you should have regard for the young men who, in the seminaries of your churches, are the hope of the future: for their proper training is most closely linked to the prosperity of your dioceses, as you well know. We believe that you have consulted the good of your faithful in an excellent way, when, following Our encouragement, you took care to establish a provincial seminary here; but you will consult even more diligently and usefully if you entrust to the Urban Pio Latin American College the most deserving clerics selected from each diocese, in whom the praise of talent and diligence gives greater hope for future priests, especially in the ministry of teaching.

[*Latin ed. p. 31*]

31. The Acts of the Most Holy Father, Pope Pius X. We are your authors, venerable brothers, and we trust that you will find that these desires of Ours have been fulfilled with the greatest benefit. For those clerics who, having learned from Rome, the most excellent and guiding city, the treasures of doctrine and virtue, when they return to their homeland, will

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prove most useful to the religion and the fatherland! Therefore, let not your diligence fail to bring us, or rather, to the safe provincial Seminary, those Peruvians whom we desire in Rome, as we are doing now. Furthermore, know that, if need be, you will not be remiss, but will reduce the number of those who are supported by funds, either from this very Seminary or from other sources belonging to each diocese, so that assistance may be provided to those whom you deem worthy, above all others, to be sent to Rome for their studies. - But these matters have scarcely been touched upon: for we know your studies and your duties, and we are confident that you will achieve nothing less than the utmost. May the blessing of divine grace and the witness of Our apostolic benevolence, which we impart to you, venerable brothers, to your clergy and to your people, be with you always in the Lord. Given in Rome, at St. Peter's, on the twentieth day of January, in the year 1913, in the tenth year of Our pontificate. PIUS PP. X.

TO THE MOST REVEREND AND DOCTOR JOSEPH ANGELUCCI, BISHOP OF CIVITÀ DELLA PIEVE, AND TO THE CLERGY OF HIS DIOCESE, BOTH, WHO HAVE SHOWN A SPECIAL MARK OF VENERATION AND DEVOTION TO THE MOST BLESSED FATHER. Venerable brother and beloved sons, greetings and the apostolic blessing. — We are greatly pleased by your letters. They contain the sweetest expression of piety and absolute, unchanging obedience to Us; and we have found that the words, indeed very grave and full of sorrow, with which not long ago certain priests of the Apostolic Union lamented among Us the reprehensible examples of some priests who are less attentive to the Apostolic See, have given us an opportunity. May God, the author of all good things, always protect this good intention in you, beloved sons: for this is what We desire most for you, and what is most useful to you. And would that the rest of the priests would follow and foster a similar spirit! How many offenses would be avoided to the people, how many causes of sorrow would be lessened for Us; how much better they would fulfill their sacred vocation!

[*Latin ed. p. 32*]

To you, venerable brother and beloved sons, we offer our heartfelt thanks for the services you have rendered; and we impart the apostolic blessing, a sign of our benevolence and a pledge of heavenly graces, to each of you, and to your flocks, earnestly in the Lord. Given in Rome, at St. Peter's, on the eighth day of February, in the year 1913, in the tenth year of Our Pontificate. PIUS PP. X.

(SECTION ON INDULGENCES)

DECREE CONCERNING THE THIRTY GREGORIAN MASSES AND

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GREGORIAN ALTARS.

To the Most Holy Congregation of the Holy Office, the following questions were presented concerning the thirty Masses which are called Gregorian, and also concerning the Altars, both of the church of St. Gregory on the Caelian Hill in the City, and those elsewhere which are called Gregorian in imitation of that one:

I. Is it necessary that the thirty Masses, which are called Gregorian, be celebrated for thirty days consecutively without interruption? And if so:

II. Does it suffice for the priest, if he, on the same day, twice or three times, or by himself (e.g., on the Nativity of the Lord) or through others, celebrates the Mass, so that all thirty Masses are celebrated within the space of thirty days? And if not:

III. Is the same priest bound to substitute another priest for the celebration of any of the Gregorian Masses?

IV. Can someone fulfill the obligation of fulfilling a Gregorian thirty-day period if he entrusts thirty Gregorian Masses to several priests, so that all of them are celebrated on the same day or within a few days, for that very purpose?

V. On the days which occur during the thirty-day period, on which the Missa de requiem [Mass for the Dead] is permitted by the rubrics, must that Mass be offered in order to fulfill the obligation of the Gregorian thirty-day period?

[*Latin ed. p. 33*]

The Most Holy Congregation of the Holy Office.

33 VI. Whether the Altar of Saint Gregory on the Caelian Hill in the City is truly and properly privileged?

VII. What conditions are required to obtain the privilege of the Altar of Saint Gregory "in the manner of" [i.e., similar to] a privileged altar?

VIII. Is a personal privilege granted for the Altar of Saint Gregory "in the manner of"?

And, to the extent that the answer is negative:

IX. What is to be said concerning concessions of the personal Altar of Saint Gregory, which perhaps have already been granted?

After maturely considering these doubts, the Eminent Fathers, together with me, the General Inquisitor, on Thursday, December 11, 1912, declared:

Regarding I. Affirmative, as stated in the decrees of the Holy Congregation of Indulgences, on January 14, 1889.

Regarding I i. Negative.

Regarding III. Affirmative.

Regarding IV. Negative.

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Regarding V. Negative; however, it can be upon the words of Job, "He lifteth up the drops of rain, and poureth out showers like floods.", for the sake of piety towards the deceased, on days when it is permitted and fitting.

Regarding VI. Affirmative, according to the Rescript from the Audience of the Holy Father, on February 18, 1752.

Regarding VII. Henceforth, Altars of Saint Gregory should not be granted [as privileged altars].

Regarding VIII. Negative.

Regarding IX. They should be considered as mere concessions of a personal altar simply privileged.

And on Friday, the % of the same month and year, the Most Holy Father, Pope Pius, of blessed memory, in the usual audience granted to the Reverend Father, the Assistant of the Holy Office, deigned to benignly approve the aforementioned resolutions of the Eminent Fathers.

M. CARD. RAMPOLLA.

L. Eg S. -j- D. Archbishop of Seleucia, Assistant of the Holy Office.

[*Latin ed. p. 34*]

34 f Acta Apostolicae Sedis. - Official Commentary. - The SACRED CONGREGATION OF THE BISMARCK COUNCIL AND OTHERS. Regarding Incardination. (Through summary petitions). The Apostolic Delegate in the Republic of Washington, H. S. G., reported on May 30, 1912, as follows: "The Bishop of Bismarck, Mons. Wehrle, O. S. B., wrote to me on the 20th of this month, stating the following: 'In the March issue of the Acta Apostolicae Sedis, there is a decision of the Sacred Roman Rota, in which it is asserted that an oath is necessary for the validity of incardination. I am aware that in this diocese, many priests were incardinated without taking the oath at the time of incardination. Given this, I ask: 1° Does the bishop have the right to declare that such incardinations are invalid? 2° If the answer is affirmative; must the priests who were so invalidly incardinated return to the diocese from which they were excardinated? 3° Can the bishop who excardinated them be obliged to receive them again into his diocese?' "

"It is certain that in many other dioceses of the United States, priests have also been incardinated without having them make the oath required by the Constitution Speculatores and the decree A primis, and that the bishops intend to take advantage of this omission to rid themselves of those who have not given a good account of themselves. Furthermore, one can easily foresee the questions that would arise if the bishops were to decide to do so.

"Considering all of this, it seemed appropriate to me to submit the questions of the Bishop of Bismarck to this Sacred Congregation, with a request

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to provide the answer and to issue those dispositions that it will deem appropriate."

After deliberation on the above, the opinion of the Reverend Consultor was requested, which is now printed and sent to the Most Reverend W. attached to this document.

Therefore, etc.

[*Latin ed. p. 35*]

35. The Holy Congregation of the Council, to the Most Reverend Fathers, in a plenary session on December 14, 1912, deemed it necessary to respond as follows: To all those concerned, negatively. To questions I and III, a response is provided below. Rome, from the Secretariat of the Holy Congregation of the Council, on January 31, 1913. I. Grazioli, Under-Secretary. OPINION OF THE CONSULTOR. 1. Following a sentence pronounced by the Sacred Roman Rota on January 9, 1912, and published in the Acta Apostolicae Sedis, volume XIV, pages 249 and following, concerning the validity of the incardination of a cleric in a particular diocese, which was declared invalid due to a lack of the prescribed form in the decree *A primis* of this Holy Congregation, doubts have arisen among the bishops of North America regarding the validity of other incardinations made in those dioceses, in which not all and each of the requirements of the aforementioned decree *A primis* were observed, especially the oath to be taken by the one being incardinated. 2. Specifically, the Bishop of Bismarck wrote to the Apostolic Delegate in Washington regarding this matter, stating that there are several priests present in his diocese who were incardinated without having taken the prescribed oath, and therefore, the Apostolic Delegate requested a response to three questions: I. Does the bishop have the right to declare such incardinations invalid? II. If so, must the priests who were invalidly incardinated return to the diocese from which they were excardinated? III. Can the bishop who granted the excardination be obligated to receive them back? — These questions were transmitted to this Holy Office by the aforementioned Apostolic Delegate, with the following pertinent warning: "It must be considered certain that in many other dioceses of the United States, priests have been incardinated without being required to take the oath of the Constitution *Speculatores* and the decree *A primis*, and that the bishops intend to take advantage of this omission to rid themselves of those who have not given a good account of themselves." 3. To briefly express my opinion regarding the proposed questions, with respect to the first question, it seems to depend on whether the method of incardination prescribed by the decree *A primis* is substantial, so that an incardination carried out otherwise is not valid. The sentence of the Sacred Rota in the aforementioned case of London, which gave rise to these doubts, seems to consider this to be certain, indeed, it appears to consider it as the very

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foundation of the judgment.

[*Latin ed. p. 36*]

36. Acta Apostolicae Sedis. - Official Commentary. The reasoning behind the cited decision is alleged. Not all of the reasons presented therein appear to have the same probative force, but regarding the matter itself, there seems to be no doubt that, in the aforementioned decree *A primis*, although explicit clauses invalidating the act are lacking, an incardination performed otherwise than as prescribed in number two is entirely invalid. Indeed, in ecclesiastical law, the principle *R. I. 64, in Sext.*, which states: "That which is done contrary to law must be considered 'as if it had never been done'," is not absolutely accepted; rather, the principle of Innocent III, chapter 16, X, *De regularibus* (III, 31) should be considered: "Many things are prohibited, which, if done, 'obtain the strength of validity,' namely, if there is no explicit clause invalidating the act" (D'Annibale, *Theol. mor.*, vol. I, no. 210, note 4; Wernz, *Ius Decret.*, vol. I, no. 50, note 35, no. 110; Reiftenstuel, *in tit. II, De Const.*, no. 246 sq.; Suarez, *De legibus*, book V, chapter 25, chapter 29, no. 4, 5).

4. However, all authors agree that, when ecclesiastical law prescribes a form for an act, if that form is not observed, the act, lacking its proper form, is invalid. D'Annibale, *loc. cit.*, nos. 210, 211, 213. Thus, Reiftenstuel, *loc. cit.*, no. 243: "The invalidity of an act is either implicit or explicit. Explicit invalidity occurs through clear and express words, as when the law states: 'if it is done otherwise, it will lack all validity,' G. Decet, § fin., *De Immunit. Eccl.*, in Sext., or 'it is invalid and void,' Glem., 2, *De rebus Eccl. non alien.* Implicit invalidity occurs through words of equivalent meaning, as when a certain form is prescribed for an act or contract. For since the form gives being to the thing, consequently, when the form is lacking, the act fails."

5. Furthermore, the decree *A primis*, no. 2, is understood in its obvious meaning to prescribe a form for the act, precisely for the purpose of preventing controversies and abuses, as it states there, which had arisen in the past due to the non-observance of the precautions established in the decree for the future; since this end could not be achieved merely by a law that commands, it follows that the legislator, having prescribed the formalities of the act, also assigned its form.

6. The Plenary Council of Baltimore, for the United States of America, had admitted, in addition to formal incardination, another presumed form (no. 66), which is that the bishop of *Clairac* should admit to his diocese a cleric who has been incardinated from another diocese, and admit him after a period of three or five years of probation (which must precede formal incardination, ibid., no. 63), omitting the formal act of incardination, or the decree of incardination. However, after the publication of the decree *A primis*, a doubt arose as to whether that decree had superseded the

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aforementioned provision of the Baltimore Plenary Council;

[*Latin ed. p. 37*]

Sacred Congregation of the Council. 37. This doubt was decided by this Sacred Office (Acta Sanctae Sedis, vol. 39, pages 486 and following). But it is of the utmost importance to accurately report the doubt itself and its solution. Therefore, the doubt was presented as follows: "It is asked whether, in virtue of the aforementioned decree of the Council, which 'requires written incardination,' the decree of the Council of Baltimore, which admits presumed incardination, has been annulled, and if so, whether said law has retroactive effect with regard to cases in which the three-year or five-year period of probation, according to said Council of Baltimore (n. 62, 63), has already elapsed before the promulgation of the aforementioned decree of the Sacred Congregation of the Council." And the response was: "To the first question: affirmative; to the second question: negative."

7. By this decision, with regard to the particular law introduced by the Council of Baltimore, it is clear that it has been abrogated only with respect to the admission of presumed incardination, or incardination made without written documentation, after certain years of service in the sacred ministry: "For after that time has elapsed, as is stated there, a cleric who had petitioned to be assigned to a diocese is presumed to have been assigned, even if he is neither formally admitted nor clearly and openly refuses to be admitted." But with regard to the other incardination, the ordinary and formal incardination admitted in the same Council of Baltimore, and which is protected by various safeguards and wisely ordered, it does not follow from the aforementioned decision of this Sacred Congregation that the aforementioned decree of Baltimore has been abrogated. Indeed, the decree *A primis* deals primarily with the reception of candidates into the Orders; the decree of Baltimore, on the other hand, refers to the incardination of priests, which is suitably ordered there with even more requirements and conditions (e.g., with regard to the preliminary probation), which are required by the decree *A primis*. It is indeed prescribed to be done in writing, and the only difficulty arises in the case of the oath, similar to the Constitution *Speculatores*, which, in many cases, is said to have been omitted. However, the defect of the oath alone does not seem to necessarily render the incardination invalid; for the arguments by which this is proven by the Rota in the aforementioned case of London are not convincing, and the oath in the Constitution *Speculatores* is not required to validly acquire domicile, which is a thing unheard of in law, but to acquire a qualified domicile, which is required so that the bishop may legitimately ordain a subject in virtue of domicile. But here we are dealing with the incardination of a priest who has already been ordained, with regard to which the oath is simply prescribed, or imposed as an obligation to be undertaken by the one being incardinated, and is not required as a condition without which

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the incardination has no value. In this hypothesis, the oath rather seems to be implicitly included in the incardination itself; just as the vow of chastity.

[*Latin ed. p. 38*]

33. *Acta Apostolicae Sedis* – Official Commentary. The matter is implicitly included by Church law in the reception of the first Holy Order.

8. Furthermore, the aforementioned decree pertains to a Canadian diocese, in which the law of the Plenary Council of Baltimore is in force, which has validity only in the dioceses of the United States, for which that law was specially recognized by the Most Holy Congregation of the Propagation of the Faith.

9. Moreover, for greater certainty, even if the oath is omitted in the act of incardination, by virtue of the particular law of the dioceses of the United States, it is supplied by that very law. For, generally, ordination takes place in the title of mission; moreover, the Baltimore Council, no. 66, states concerning those ordained in this manner: "The oath given in a foreign diocese is to be considered as valid and to be observed." Indeed, in this hypothesis, the obligation of the oath, even if not expressly made in the act of incardination, is present; and therefore, in this case, the substance of the prescribed matter is not lacking even in this regard.

10. Therefore, when it is asked whether a bishop can declare incardinations invalid due to the non-taking of the oath: since, according to what has been discussed, those incardinations, with regard to other matters which appear to be substantial, were made in accordance with the decree *A primis*, and even other conditions required by the Baltimore Council were observed; and the oath, as stated, is present at least equivalently; I believe the answer should be: no.

11. Note: If the arguments presented did not convince, I would nevertheless, while awaiting a new Code, in which this matter will undoubtedly be addressed, consider it more prudent to abstain from giving a positive answer, given the disturbance that would be caused by a positive response from the Apostolic Delegate.

12. II-III. Since the second and third questions depend on a positive answer given to the first; if a negative answer is given to the first, then the answers to II and III would be: as stated in the first.

13. However, something regarding the second and third questions seems to be directly relevant. Indeed, it is true that the incardinations about which we are speaking in this case were not valid, it does not necessarily follow that priests so invalidly incardinated must return to the diocese from which they were excardinated, or that they can absolutely and simply be compelled by their bishop to be received. For, firstly, nowhere in the law is it prohibited that a priest, with the consent of his own Ordinary, may exercise his ministry in a foreign diocese, having been admitted by the bishop of

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that diocese; rather, it is positively permitted that one Ordinary may offer assistance to another in need of sacred ministers. And it is not necessary to appeal to common law for this, since we have, in this regard, the particular law of that region.

[*Latin ed. p. 39*]

Sacred Congregation. Council. 39, decreed by the Plenary Council of Baltimore and recognized by the Holy See; thus, in the aforementioned Council, no. 69 states: "What We have defined concerning the dismissal and assignment of priests to another diocese, does not in any way impede the custom, according to which bishops grant priests, if there are enough of them in their own diocese, to more needy dioceses to assist in the care of souls, even for a longer time. This practice, as a sign of apostolic zeal, has been commended by the Holy See" (Instruction of the Sacred Congregation to the Provincial Convocation of Milan, 1849). Therefore, the obligation to return does not, of itself, belong to a priest who is improperly incardinated, but rather, it is the right of the proper bishop to recall him, although the revocation should not be carried out unless natural equity is observed. This equity would not be observed if the priest, having been recalled, were to be left idle in his own diocese and without the means of proper support, while in the diocese in which he is improperly incardinated, he is laboring for the salvation of souls, with the approval of the bishop of that diocese, due to the lack of some essential requirement. In this case, the obligation to return to his own diocese for such a priest would be asserted, to the detriment of the priest himself and to the detriment of the salvation of souls. And this concerns the second doubt, in the hypothesis that an affirmative answer would be given initially, or that the incardinations in the case were declared invalid.

14. As for the third, namely, the right of the bishop to dismiss a priest who is improperly incardinated, and the consequent obligation of the proper bishop to receive him, this matter also seems to be to be decided not only according to strict law, but also according to natural and canonical equity. Indeed, there can be no doubt that, according to strict law, a priest who is not properly incardinated must be returned to his own diocese. But the highest right is often the greatest injustice, and natural and canonical equity demand that he who enjoys a benefit should also bear the burden, and that benefits are not received with a grateful spirit if, for good received, evil is returned. Furthermore, we have seen that an act of charity and zeal has been commended by the Holy See, if a bishop who has an abundance of priests grants another needy bishop a priest or worker. Therefore, if this were the case in the United States, concerning which the doubt is proposed, natural and canonical equity would clearly be violated by that bishop who, having requested a priest from another bishop for the care of souls, would wish to retain him only as long as he serves him, and to

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dismiss the priest when he does not serve him; and what is worse, if after many years of commendable service, he would only then dismiss him to his proper bishop, when the priest has either fallen into sins, or has become difficult in his condition.

[*Latin ed. p. 40*]

40 Acta, of the Apostolic See. - Official Commentary. 15. Therefore, in the hypothesis that a negative response could not be given to a proposed question, in the third question, a simply affirmative response should not be given, but rather a response should be given that is both affirmative and equitable. And these are the things I would say concerning proposed questions, subject to a better judgment. PETRUS YIDAL, S.L., Consultant. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE. THE APOSTOLIC PREFECTURE OF SOUTHERN KAFFA IS ESTABLISHED. In order that the abundant fruits of salvation may increasingly be multiplied among the Gallic peoples in the Apostolic Vicariate, and since favorable prospects for the spread of the faith are not lacking there, it has seemed opportune to the aforementioned Apostolic Vicariate, entrusted to the care of the Order of the Minor Friars Capuchin, to detach a territory lying to the west, and to establish it as a separate mission. Therefore, the Fathers of this Sacred Congregation, for the propagation of the Christian Name, in plenary assemblies held on the 20th day of the month of January, have decided to establish a new Apostolic Prefecture, to be called the Apostolic Prefecture of Southern Kaffa, and to entrust it to the students of the Institute of Turin, from the Consolata, for missionary work abroad, with the following limits: To the North, the Baro River, from the Anglo-Ethiopian border to its sources in the Secia mountain, then the Goggeb River, from its sources to its confluence with the Omo, and the latitude of 4 degrees, which, proceeding thence, reaches the Arussi mountains. To the East, the watershed of the waters between the rivers that flow into Lake Margherita, Ciamò, and Stefania, and into the Indian Ocean. To the South, the line that connects the aforementioned watershed with the eastern shore of Lake Rudolf, where it is cut by the 4th degree of latitude north. Finally, to the West, the former boundaries of the Apostolic Vicariate among the Gallic peoples, now, by the present decree, are invalidated and extend to the civil Anglo-Ethiopian border, between Lake Rudolf and the Baro River. This decision was communicated to Our Most Holy Father Pope Pius, of happy memory, Pope Pius X, through the undersigned Secretary of the same Sacred Congregation, in an audience on the 27th.

[*Latin ed. p. 41*]

41. The Most Holy Congregation of Propaganda Fide, having considered the matter, reported that His Holiness approved of everything and deigned to accept it, and commanded the present Decree to be drawn up concerning

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this matter. Given in Rome, from the offices of the Most Holy Congregation of Propaganda Fide, on the 28th of January, in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. L. ÜBS. C. Lamenti, Secretary.

MOST HOLY CONGREGATION OF RITES.

DECREE CONCERNING CAUSES OF SERVANTS OF GOD PROCEEDING BY THE METHOD OF EXCEPTIONAL CASES, THE DISCUSSION OF WHICH WAS SUSPENDED BY ORDER OF THE MOST HOLY FATHER, AS DECREED IN THE DOCUMENT "CUM IN AGENDIS" OF NOVEMBER 11, 1912.

By the Decree "Cum in agendis" of November 11 of the preceding year, by which the Most Holy Pope Pius X established that a judicial order should be observed in the Causes of Servants of God proceeding by the method of Exceptional Cases, and in which His Holiness ordered that all Causes of that kind which had already been begun before the Congregation of Sacred Rites should remain suspended, without exception, including the Cause of the Servant of God Isnardi, of the Order of Preachers, now Blessed, until His Holiness revealed his mind to the most eminent Cardinal Prefect of that Congregation, or to the Secretary of the same Congregation; and since, meanwhile, some Postulators, through the aforementioned Secretary, with earnest requests, had inquired of the Most Holy Pope whether it would be permissible for them to continue the Causes mentioned above, which had been begun before the aforementioned Decree, and to bring them to completion, observing the old order of procedure; His Holiness gave a negative response.

However, considering it fitting to grant a special grace, it is permitted that those Causes be resumed which, although they have already been considered before the Congregation of Sacred Rites, have not yet reached their conclusion through the approval or confirmation of His Holiness; and also those Causes whose proceedings have been printed and delivered to the Promotor of the Faith, before the promulgation of the aforementioned Decree, according to the list prepared by the aforementioned Promotor and presented to the Secretary of the Congregation of Sacred Rites; these ACTA, vol. V, n. 2. — 15-2-1913.

[*Latin ed. p. 42*]

Acta Apostolicae Sedis. - Official Commentary. All shall be treated in such a manner that, with due leniency and moderation applied, the substance of the aforementioned Decree is entirely preserved; however, with this proviso:

1. No further steps shall be taken until, in the usual manner, a thorough examination and revision of the writings have been completed, if any such writings exist.

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2. If, after revision, the writings are approved, the matter shall be discussed in the Ordinary Congregation. The following question shall be debated, unless it has already been discussed: "Whether the judgment rendered by the Ordinary concerning the exceptional case is to be confirmed." A favorable resolution to this question will be either "The judgment is to be confirmed, so that further steps may be taken," or "There is sufficient evidence of the exceptional case, so that further steps may be taken," as the circumstances dictate.

3. The Secretary shall report the favorable resolution of the Congregation, as above, to the Most Holy Father, along with a summary of the reasons, concisely stated, to which the members present have affixed their signatures; and the Pope, if he deems it fitting, shall confirm it with His authority, according to what He Himself established in the Decree *Cum in agendis*. His Holiness declares that the force of this confirmation, as is evident from the aforementioned Decree, is not to be understood as meaning that the Pope immediately permits the cult of the Servant of God, but only as granting the faculty to proceed further; for, since we are dealing with very ancient causes, the same Holiness does not intend to approve the cult unless it has been judicially established that there is a reasonable foundation for the cult, namely, the virtues of the Servants of God.

4. If the Most Holy Father adds this confirmation, it shall be ordered that the Ordinary, with a heavy conscience, shall inform the Congregation for Sacred Rites whether there is in that place a reputation for the sanctity of life, virtues, and miracles of the Servant of God, and what works of virtue are attributed to the Servant of God by the faithful, according to tradition; or whether there is a reputation for martyrdom and its cause, and its signs. The Postulator shall present to the Promoter of the Faith, who shall report on the truth of the matter, a summary of the virtues of the Servant of God, along with the instruments and historical documents that prove those virtues; and these shall be printed and distributed to the most eminent Cardinals and Official Prelates. If the most eminent Cardinals, after hearing the opinion of the Official Prelates, shall have decided that it is to be considered that the virtues of the Servant of God are of heroic degree, their resolution shall be reported to the Most Holy Father, so that he may see whether the cult offered to the Servant of God is to be confirmed or not.

5. In all other cases of this kind, the Decree of November 11, 1912, as above, shall be religiously observed. And His Holiness has judged, decreed, and ordered that this shall be done, on this day, January 31, 1913.

Fr. S. CARD. MARTINELLI, Prefect.

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Petrus La Fontaine, Ep. Charystien., Secretary.

[*Latin ed. p. 43*]

Sacred Congregation of Rites. 43. DECREE OR DECLARATION CONCERNING THE RUBRICS OF TITLE X, NUMBERS 2 AND 5, REGARDING VOTIVE MASSES AND "DE REQUIE" (FOR THE SOULS OF THE DEPARTED). In the new rubric added by Divine inspiration to Title X, numbers 2 and 5, of the Code of Canon Law, "votive Masses, whether private or sung, are prohibited for 'the souls of the departed' on the days of Lent, the Four Times (Quattuor Temporum), Rogation Days, vigiliae, and on the day on which a Mass is anticipated or postponed from Sunday; on the other hand, private Masses for the departed are permitted only on the first day of each week, free from any liturgical observance, in the church in which the Sacred Office is celebrated." Now, in order to resolve certain questions proposed to this Sacred Congregation regarding the application of the aforementioned rubric to certain privileged votive Masses, both in the universal Church and in certain places by indulgences granted by the Apostolic See, while the laws and privileges of solemn, or sung, Masses remain firm, the following is decreed and declared concerning private, sung Masses:

I. The privilege of a sung votive Mass, granted to certain sanctuaries by special grace, so that it may be celebrated on both First and Second Class days, or even on Second Class days alone; and the privilege of the sung Votive Mass of the Most Sacred Heart of Jesus on the first Friday of each month, remain in full force, even on the days and vigiliae excluded by the aforementioned rubric.

II. The privilege of a sung votive Mass granted to certain sanctuaries or other regular churches or communities in any way and by any title, so that it may be celebrated only on Major and Minor First Class days, and excluding privileged Feasts, Octaves, and the days of Lent, Rogation Days, vigiliae, and the Four Times, shall henceforth be applied in such a way that the aforementioned sung votive Masses are prohibited on all the days enumerated in the aforementioned rubric. However, in place of such a sung votive Mass, except on the fourth day of Cineres (Ash Wednesday), the week of the Passion, and the vigiliae of Christmas and Pentecost, the prayer of the very votive Mass itself may be added, or in the Mass of the day after, the prayer of the feast or vigil, or in the Mass of the day or vigil before, the other prayers. If a special gathering of the people is present, a single sung Mass from the aforementioned votive Masses may be celebrated, whenever a Mass in song cannot be conveniently held.

III. The privilege of a sung votive Mass for betrothed couples shall be applied in such a way that, outside the prohibited times, this Mass may

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also be said on the aforementioned feasts and vigiliae.

[*Latin ed. p. 44*]

Acts of the Apostolic See. - Official Bulletin. IV. A privilege for the celebration of Masses for the dead has been granted to certain places or Orders, so that it may be celebrated twice or three times a week, even if there is a major or minor feast day; in the future, this will be understood to apply only to days on which no feast day or vigil occurs, as mentioned above. Therefore, on such feast days or vigils, Masses for the dead are always prohibited, except for Masses on the day of death or for the day of death, in churches where a funeral with a Mass is celebrated; also, except for the single Mass that can be celebrated for a deceased poor person, according to the decree of May 9, 1899, no. 4024; also, except for Masses "which are celebrated in cemeteries, according to the decree of May 19, 1896, no. 3903; also, except for Masses celebrated on the first free day of each week during Lent, according to the new rubrics. - Furthermore, the indulgences of the Holy See are still valid, until they expire, namely the quinquennial rescripts recently granted to certain dioceses and religious provinces abroad, for the celebration of Masses for the Dead on the day of death or burial, on the third, seventh, and thirtieth anniversaries. Contrary to anything to the contrary, on February 8, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charystien, Secretary. SACRED ROMAN ROTA, LIMBURG. NULLITY OF MARRIAGE (TEICHERT-WILHELM). Under the blessed reign of Pope Pius X, in the tenth year of his pontificate, on January 2, 1913, the Most Reverend Fathers, Frederick Cattani, Anthony Perathoner, Ponens, and Joseph Alberti, Auditors at Tournon, in the case of Limburg. - Regarding the Nullity of Marriage, between Aemilius Jacobus Teichert, the petitioner, represented by his legitimate proxy, the Reverend Father Carmel Conte, advocate, and Elisabeth Wilhelm, who appeared and contested the case as the Defender of the Bond ex officio, they rendered the following final judgment. Aemilius Jacobus Teichert, a Catholic citizen of the village of Lorsbach, has always, as he himself states, from the time he began to think about marriage, because of certain...

[*Latin ed. p. 45*]

The Roman Rota, in its deliberations, found that the woman possessed the firmest intention of entering into marriage only with a virgin, and never with a person who had already been defiled. For this reason, in November of 1907, after the second marriage of her mother had taken place, and while she was alone in the house, contemplating marriage, she spoke to a young woman, Elisabeth, also known as Elsa Wilhelm, who was, although already engaged to another young man, known to be of good character. She said, "Elsa, I will never marry a woman who has already had carnal relations

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with another man. Would I do that?" Elsa replied, "No, never." Our James gave credence to this assertion, and afterward, there was no further discussion of this matter between the two. On February 1, 1908, the marriage was celebrated in the parish church, with a dispensation duly obtained over the impediment of mixed religion (for Elsa adhered to the Protestant religion). But behold, after almost three months – towards the end of April – the woman spontaneously confessed to her husband, upon his return home from the workshop in the evening, that she was pregnant by a certain Hahn, a blacksmith. Upon hearing this, Teichert immediately, that very evening, expelled the woman from his house; he also soon petitioned the civil court for the annulment of the civil marriage contract, which he obtained on January 5, 1909. Having obtained this, he also turned to the episcopal court of Limburg, requesting that his marriage with Elsa be declared null and void, either due to a defect of quality in the person, namely, virginity, or due to a lack of consent due to a condition that was imposed and not verified. The Limburg court, after instituting a canonical process, by a judgment dated October 7, 1910, indeed declared the marriage null in this case, stating, "It is established that the marriage is null and void, and indeed, due to a lack of consent on the part of the husband." With this judgment, the Defender of the Bond, in the exercise of his office, appealed to the metropolitan court of Freiburg, which, on February 7, 1911, reversed the judgment of the first instance, declaring, "It is not established that the marriage is null and void." Therefore, the cause is now before the Most Reverend Fathers, to whom the Actor has appealed, and is presented under the usual formula of doubt: "Does it appear that the marriage is null and void in this case?" Regarding the law, the Reverend Prelates observed that error only invalidates marriage when it is an error concerning the person, or a quality inherent in the person, or a quality that has been imposed as a condition without which the marriage cannot take place, or finally, if it is an error concerning the condition of servitude. Since the first and last errors are outside of this case, it remains to be investigated whether there is an error in a quality inherent in the person, or an error in...

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis. - Official Commentary. with a quality that was established as a condition without which [the marriage] cannot exist. Indeed, an error concerning a quality that pertains to the person is present when an error occurs in such a quality, due to whose defect the person offered is no longer the same one to whom consent is given in marriage. On this matter, the Austrian Instruction, § 1, 4, establishes this rule: "An error pertains to the person only in that quality in which the person of the future spouse is solely determined." This rule is interpreted by the esteemed Aichner (Compendium Iuris Ecclesiastici, ed. 1, p. 605 seq.) as follows: "If someone enters into marriage with a person whom he had not previously known

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by sight, hearing, or conversation, but only through a certain quality that was presented to him, which is not common to others but is individual to a certain and definite person, then this error in the quality is transferred to an error concerning the person, and the marriage is annulled. The reason is that the one who errs had no idea in his mind about that person with whom he entered into marriage, except through that quality by which the person of the future spouse was uniquely designated and understood in his mind. Indeed, because this quality is lacking, the foundation upon which consent is based is also lacking, and the substantial object of consent is lacking, and therefore, consent itself is lacking. From these things it becomes clear that two things are required for an error in a quality to pertain to the person: a) that the person concerning whom the error occurs was not previously known by sight, hearing, or conversation, which happened when a marriage was previously discussed by letter or through a procurator, or when a marriage is contracted through a procurator; b) that the same person is designated as an individual solely by a certain quality (which, however, is lacking), for example, if someone consents to marry the eldest daughter of Count N., but afterwards the second daughter or another is offered, who simulates the eldest daughter. Whether these two requirements are present is a question of fact, which must always be strictly proven before the external forum." The same doctrine is taught by more recent scholars, in addition to the older canonists (cf. e.g., Reiffenstuel, I-IV, vol. 1, no. 348), including Gasparri (II, ed. 3, p. 883) and Wernz (IV, ed. 2, no. 223). From these things it is now clear how great is the difference between an error in a quality that pertains to the person, and an error in a simple quality, or an accidental quality; the latter error does not regularly invalidate marriage, although it may be a cause for the contract, and may arise from the deceit or simulation of one of the contracting parties. An error in a simple quality is present whenever the future spouse is not solely designated by the quality in which the other errs, as, for example, if someone believes that the future spouse is beautiful, noble, and a virgin, when she is deformed, ignoble, and defiled (cf. Reiffenstuel, P. IV, vol. I, no. 349). Wernz illustrates the matter perfectly (loc. cit., note 6) by saying: "Indeed, the eldest daughter of a prince of Monacensis, is certainly designated by that individual quality..."

[*Latin ed. p. 47*]

The Roman Rota. 47 "Just as it is by name and surname. But several daughters of the same "father" can be virgins, noble, wealthy; therefore, these qualities do not "determine one person in the individual, and if, perhaps, one of these qualities, in a marriage contracted with a certain and definite person, is lacking, the marriage is not annulled unless it has been stipulated as a condition without which it cannot be." Indeed, even an error regarding a simple quality does not, even then, annul the marriage, if it can be proven that the party in error did not intend to enter into a marriage if

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they knew of that quality (e.g., the bride's pregnancy by another). From this, it also follows, as the esteemed Aichner (loc. cit., p. 606 seq.) rightly concludes, "that the assertion of some recent Canonists is false, namely, that a marriage is always annulled which is contracted through an invincible and antecedent error concerning a person, or because that person is suffering from a grave melancholy or incurable illness, or because of some crime for which they have been publicly punished. Nor is the validity of marriage affected when the bride has been impregnated by a third party, and this circumstance was not known to the bridegroom when entering into the marriage. This is abundantly confirmed by the decisions of the Sacred Congregation of the Council and the Roman Rota." Gasparri (loc. cit., n. 889 seq.) cites several of these decisions. However, an error regarding a quality does annul the marriage if that quality was precisely stipulated as a condition without which it cannot be; that is, if someone intends not to enter into a marriage with a certain person unless they possess or do not possess this or that quality. If the condition is lacking, the consent also fails, as the Doctors unanimously teach. In order for an ecclesiastical judge to declare a marriage null because of a condition not fulfilled, at least for external appearances, it is necessary that it be clearly established that a condition was stipulated. Regarding this, Wernz (vol. IV, no. 229) states: "In external matters, unless it is clearly established that a quality was principally intended by the person, there is no basis for dissolving the marriage. Therefore, in the controversy between Pignatelli and Pitoni, the opinion seems preferable which holds that, at least in external matters, the validity of the marriage should be presumed, unless a condition (not verified) has been expressly added during the celebration of the marriage, or even if it has been added beforehand, but not expressed and repeated during the actual celebration of the wedding, yet, considering all the preceding and subsequent circumstances together, there is no basis for suspecting that the spouses have withdrawn from the previously stipulated condition, or have revoked the conditional consent." And indeed, from the preceding and subsequent circumstances, it can sometimes be proven that a prior condition was stipulated and that the will persevered, as is demonstrated in the case of Cameracen (before Perathoner, August 11, 1910; A. A. S., II, pp. 961 sqq.), a case which, however, since it differs so greatly from the present one, the plaintiff cannot invoke in his favor.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning the matters established by law, the Most Reverend Fathers considered that, from what has been said, it is already sufficiently and abundantly clear that, in our case, we are not dealing with an error concerning a quality inherent in the person, but rather with an error concerning a quality that has been posited as a condition sine qua non. Indeed, the plaintiff asserts that such

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a condition was established before the marriage. He has testified several times and confirmed it under oath, stating that, approximately two months before his marriage to his future wife, he said to her: "Elsa, I will marry a girl who has already had relations with another man." To which she replied: "No, never." Furthermore, the plaintiff, who has always maintained the firmest will never to marry a person who has been defiled, believes that his words addressed to Elizabeth contain a vitiating condition, or that they express a general will never to marry a defiled woman, a will which, since it has never been retracted, should render the marriage with any defiled woman null and void. The words addressed to Elizabeth certainly express the firm will of the plaintiff to marry only a virgin; however, it is not certain that this will has virtually persisted. Indeed, the plaintiff himself admits that he only spoke about this matter once with his future wife: "Poi io non ho più parlato con lei relativamente a questo argomento" (After that, I no longer spoke with her about this matter). Nor is it certain that those words express a true and proper condition sine qua non, and that they were imposed by the plaintiff. The plaintiff himself obstructs his own path to proving this condition, declaring that he did not disclose this condition to anyone before the marriage: "Io prima dei matrimonio non ho parlato con nessuno relativamente a tale condizione" (I did not speak to anyone about this condition before the marriage). And when asked again: "Did you ever, before your engagement, express to anyone your intention of not marrying anyone other than a virgin? Which people can attest to this?" he replied: "I do not remember having expressed such an intention in the presence of third parties, because I made the decision to marry very quickly." Indeed, the witnesses presented do not offer anything other than the fact that they heard about this condition from the plaintiff, Teichert, and that this was after the selection of the woman from the house, at a time that is highly suspect. If it is admitted that the witnesses are trustworthy and therefore did not confirm a false oath in court, this is possible; nothing prevents Teichert from believing that, as is often the case after unhappy marriages, he may have imposed a condition, perhaps merely expressing the intention of not marrying anyone except a virgin. The latter is all the more likely, because Teichert never suspected the existence of virginity in his bride, and he only referred to the alleged condition when the woman, after almost three years of marriage,

[*Latin ed. p. 49*]

The Roman Rota. After forty-nine months, she confessed that she had become acquainted with another man and had become pregnant. Indeed, even then she did not consider dissolving the marriage due to the condition imposed, but only later, after being instructed by the parish priest about impediments to marriage. Therefore, it cannot be proven that the condition was true and proper, and this is all the more so because some arguments

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seem to contradict the existence of the condition, and indeed, they do. First of all, it is known that before the marriage, Teichert knew that his bride, Elsa Wilhelm, had been involved in relationships with another man. He himself confesses: "When I entered into a relationship with Elsa Wilhelm, I did not know exactly for how long she had been in a relationship with the blacksmith Hahn, but I did know for certain that it had been for more than a year." But this relationship should have raised at least some doubts in the mind of the actor about the bride's integrity, and should have prompted him to further investigations about the existence of the quality he desired. However, the actor was content to state the words mentioned above once, and did not question the bride further about this matter. Furthermore, the woman presents the matter in a different way than her husband. In a letter dated March 2, 1910, she asserts that she does not remember what Teichert said to her, and that she never denied her relationships with the blacksmith Hahn. The woman confirms this in an interrogation on December 30, 1910. When asked why James Teichert did not confess to her before the marriage that he had had relationships with the blacksmith Hahn and that she was pregnant, she replied: "Teichert asked me if I had had relationships with Hahn. I did not say 'yes' or 'no,' but I stated that if Hahn wanted it and I did not, he would be bad with me. Teichert did not ask me if I was pregnant by Hahn." And when asked if Teichert, before the betrothal or marriage, had said to her the words: "Elsa, I will never marry a woman who has already had carnal relations with another man. Have you done this?", she replied: "I cannot remember what Teichert said to me three years ago." Elsa Wilhelm further asserts that she did not know before the marriage whether she was pregnant or not, and that she only learned of her pregnancy almost a month after the marriage was contracted, namely, at the end of February. Finally, when asked if James had spoken to her after the separation about the words mentioned above (namely, Elsa, I will never marry, etc.), she replied: "He met me in Eppstein and said to me: 'Elsa, I cannot get married religiously if you do not tell the Bishop in Limburg that I said this to you.'" The actor denies having used these words, but admits that he had a conversation in Eppstein.

[*Latin ed. p. 50*]

50 Acta Apostolicae Sedis, – Official Commentary. It is stated that he had relations with Elsa, and on this occasion, he said that he would appeal to the civil court after the case was concluded, and would also appeal to the ecclesiastical court. Therefore, in this case, the plaintiff alone affirms that he imposed a condition, and he cannot produce any witness to confirm this condition; indeed, he has a spouse who is opposed to him. The confession of the plaintiff alone, and even the oath he has sworn on the subject matter, are entirely devoid of value. "For," as the Austrian Instruction states (§ 169), "an oath taken by spouses, as well as their confession, cannot provide

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proof of the existence of an impediment, nor can it serve as a substitute for such proof." Furthermore, from chapter Super eo (c. 5, X, IV, 13), it is clear that the confession made by spouses in the judicial inquiry, or even if they made it before that, but after the marriage which they are accusing, to the extent that it contradicts the validity of the marriage, lacks all probative force. James Teichert certainly intended not to marry a corrupt woman, and in this specific case, not to marry Elsa, if he knew her to be corrupt. But this habitual intention is of no use in dissolving the marriage as regards the bond. For a marriage contracted through error concerning a quality that is the cause of the contract (that is, a reason why someone entered into the marriage, and would not have entered into it if they knew the contrary) is valid. "Therefore," as Reiffenstuel states (l. IV, vol. I, no. 345), "a marriage is valid, even if Titus marries Caia, believing, or falsely asserting, that she is healthy or a virgin, or wealthy or virtuous, when in fact she is infirm, corrupt, poor, or given to vices, even if such a false belief was the reason why he married her, and he would not have married her if he knew the contrary." Furthermore, in order for an ecclesiastical judge to pronounce the nullity of a marriage, he must be satisfied that there is an impediment that prevents the marriage, and this must be established by full and perfect proof, such as that which is provided by at least two witnesses who are over the age of reason (Cf. Ferraris, Divortium, No. 16; Reiffenstuel, l. IV, vol. 19, no. 17). One witness, however capable, does not provide full proof. The reason is that the cause for dissolving a marriage as regards the bond is very serious, and care must be taken to prevent a dissolution being granted through collusion between the parties, with great irreverence for the Sacrament (Cf. Maschat, tit. 19, q. 1). Indeed, in this case, there is no full proof of the condition imposed, which is abundantly clear from what has been said. Therefore, the judge of Freiburg rightly ruled that "it is not established whether the plaintiff has ever publicly declared his general intention never to marry a corrupt girl, nor is it established..."

[*Latin ed. p. 51*]

Apostolic Signatura. 5. "If an actor has questioned his wife concerning her virginity, and if he has questioned her, 'it does not follow that the questioning made by Elsa had the nature of a 'condition sine qua non'." Having considered all of this in law and in fact, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the tribunal and having only God before our eyes, do hereby decide, declare, and definitively pronounce, answering the proposed doubt negatively, that is to say, that it does not follow from the nullity of the marriage in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to execute this our definitive sentence and to proceed against those who resist, according to the norms of the sacred Canons, and especially chapter 3, session XXV, of the Council of Trent, employing

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the executive and coercive means which shall appear more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 2nd day of January, 1913. Frederick Cattani. Anthony Ferathoner, Presiding. Joseph Albert. Sac. T. Tani, Notary.

APOSTOLIC SIGNATURE. In the aforementioned Apostolic Signatura Tribunal, several cases were reserved in the year 1912, of which the definitive sentence was as follows:

I. FENABOREN. - Designation of the parish, or incidental sentence of Nullity of the Rota. Proposed doubt: Is the incidental sentence null in this case, and is the place within the jurisdiction? The Most Reverend Judges, with the Reverend Father Basilio Cardinal Pompilj as relator, on the 23rd of March, 1912, responded: The sentence in this case is null.

II. ROMANA. - Nullity of marriage, or Nullity sentence of the Rota.

[*Latin ed. p. 52*]

5-2. Acts of the Apostolic See. - Official Commentary. Regarding a doubtful matter: Is there any royal sentence in this case, and is the place thereof defined? The Eminent Judges, with the Relator, Most Reverend Father Basilius Cardinal Pompilj, on July 27, 1912, responded: No.

III. FIESOLE. - Regarding Composition (by order of the Most Holy). Regarding the following doubtful matters: 1) Is there a place for composition in this case? And if affirmative: 2) By what measure should the composition be made? The Eminent Judges, with the Relator, Most Reverend Father Basilius Cardinal Pompilj, on December 28, 1912, responded: To the first, affirmatively, in order to obtain the validation of the contracts. To the second, it is requested that the Most Holy [Pope] be petitioned to admit the heirs L. B. to the composition, after the payment of the sum of six thousand florins.

IV. APRUTINA. Regarding the royal ecclesiastical trial. - Regarding the deprivation of benefits or the nullity of the sentence. Regarding the following doubtful matters: 1) Is the complaint of nullity, due to the incompetence of the forum, which the Bishop of Aprutina pronounced against the royal interlocutory sentence, to be upheld in this case, on August 5, 1911? And if affirmative: 2) Should judgment also be rendered by this supreme Tribunal regarding the merits of the case? And if affirmative: 3) Should the decree of the Curia of Aprutina of February 17, 1911, be confirmed or rejected in this case? On December 28, 1912, the Eminent Judges responded: To the first, affirmatively, namely, that the Bishop of Aprutina could legitimately proceed administratively against the priest A. L. To the second, negatively; and the priest A. L. may, if he wishes, appeal to the Congregation of the Holy Council.

Furthermore, according to the Proper Law, canon 40, the appeals in the following cases were rejected, being lacking in a good legal basis:

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I. NAPLES. - Regarding the execution of the sentence (Decree of January 3, 1912).

II. DUBLIN. - Regarding the removal, or the nullity of the incidental royal sentence (Decree of August 24, 1912).

III. CONSTANTINIANA. - Regarding defamation, or the nullity of the royal sentence (Decree of December 29, 1912).

At Rome, from the Chancery of the Supreme Signature of the Apostolic Tribunal, on February 14, 1913.

Joseph Adv. Fornari, S. T. A.

[*Latin ed. p. 53*]

53. SECRETARIA STATUS. EPISTOLA SECRETARIAE STATUS. AD R. P. ALFREDUM MARGERIN, RECTOREM CATHOLICAE STUDIORUM UNIVERSITATIS INSULARUM, GRATULANDI CAUSA OB LAETABILES FRUCTUS QUI IBIDEM DOCTORUM AUDITORUMQUE DILIGENTIA COLLIGUNTUR.

Monseigneur, Secundum resporta authentica quae Ei facta sunt de Universitate Catholica Lilliensis, Sanctissimus Pater Pius X, cum magna satisfactione, animo perfunditur ab illa virtute quae docet et pervadit instructionem quae ab illustribus professoribus ibi traditur, pietate et amore operis a numerosis discipulis. Hae informationes non potuerunt non esse obiectum consolationis vivae pro illustri Pontifice, sive propter sollicitudinem paternam quam testatur ad carum illi patriam, sive propter curam specialem quam fert ad gravem questionem, quae hodie agitatur, de educatione catholica. Eidem, praeterea, partim grata fuit cognitio successorum quos iuvenes huius Instituti percipiunt in examinationibus, quae simul glorificant zelum magistrorum et applicationem discipulorum. Hi successi sunt notabiles in omnibus facultatibus: theologiae, iuris, litterarum, scientiarum, sed praesertim, videtur, in facultate medicinae. Sanctitas Eius scit, praeterea, hanc facultatem, unam quae in Gallia constitui potuit, numerum considerabilem professorum eminens scientia et experientia professionali habere; plurima nosocomia et dispensaria habere, ubi discipuli, sub directione immediata magistrorum suorum, facile et certissime scientiam chirurgiae et medicinae acquirunt; musea et laboratoria necessaria ad studium theoreticum et opera practica habere. Quare, Sanctissimus Pater hanc commendat familiis christianis totius Galliae, et libenter hortatur episcopos ut numerosi iuvenes illuc mittant, qui ibi simul habiles medici fient, et praesertim catholici firmiter parati ad apostolatum quem debent exercere in cotidiano exercitio nobili professionis suae.

[*Latin ed. p. 54*]

54 Acta Apostolicae Sedis - Official Commentary. With paternal benevolence and heavenly favors, His Holiness most heartily grants the Apostolic

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Blessing to you, to the professors, and to the students of the Catholic University of Lille. I gladly seize this opportunity to renew to you, Monsignor, the assurance of my devoted sentiments in Our Lord. January 14, 1913. R. CARD. MERRY DEL VAL. DIARIUM ROMANAE CURIAE SECRETARIA DI STATO. IN THE NAME OF [THE HOLY FATHER]. The Holy Father, with documents from the Secretariat of State, has graciously deigned to appoint: January 29, 1913. — The Reverend Father Giuseppe Lemius, of the Oblates of Mary Immaculate, Consultor of the Sacred Congregation of the Index. — The Reverend Father Enrico Le Floch, of the Congregation of the Holy Spirit, Rector of the Pontifical French Seminary in Rome, Consultor of the Sacred Congregation of Studies. — The Reverend Father Tommaso Pegues, of the Order of Preachers, Consultor of the Sacred Congregation of the Sacraments. February 1. — The Most Reverend Cardinal Pietro Gasparri, Protector of the association of Our Lady of the Good Death. February 9. — Monsignor Francesco Ragonesi, titular Archbishop of Mira, Apostolic Nuncio to Madrid. With Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotaries, as if participating: October 19, 1912. — Monsignor Giuseppe Antonio Ireneo Douville, General Vicar of the diocese of Nicosia. January 8, 1913. — The Reverend Eugenio Almaráz y Santos, Archdiocesan Chancellor of Seville. — The Reverend Michele Castillo Fosales, Provisor of the same Archdiocese. January 22. — Monsignor Teodoro Weigert, of the Archdiocese of Vienna. January 28. — Monsignor Luigi Castro, Archpriest-Parish Priest in the diocese of Nicosia.

[*Latin ed. p. 55*]

Diarium Romanae Curiae. 55 Prelati Domestic of His Holiness: January 9, 1913. — The Reverend Aureliano Sevillano Moro, canon of the Cathedral of Seville. January 10. — Monsignor Terenzio O'Donnei, vicar general of the Archdiocese of Dublin. January 11. — The Reverend Doctor Federico Speiser, professor at the Catholic University of Freiburg im Breisgau. — The Reverend Guendelino M. Stulz, of the Archdiocese of Saint Paul of Minnesota. — The Reverend Giovanni J. Slevin, of the same Archdiocese. — The Reverend Francesco Tichy, of the same Archdiocese. — The Reverend Giuseppe Guillot, of the same Archdiocese. January 16. — The Reverend Doctor Tommaso Facta, parish priest and archpriest of Racconigi. January 22. — The Reverend Canon Leonardo Ruvolo, of the Diocese of Mazzara del Vallo. January 23. — Monsignor Fabiano Rohácek, canon of the Cathedral of Brünn. — The Reverend Adamo Ott, ordinary vice-archdeacon of the district of Budapest. With briefs from the Secretariat of State, the Holy Father deigned to appoint: Chamberlain of His Holiness, honorary: January 27, 1913. — Monsignor Nicola Plaurens, of the Diocese of Smirne. Chamberlain of Honour, in purple vestments, of His Holiness: January 14, 1913. — Monsignor Bruno Kratzig, of the Diocese of Trieste. Chamberlain of His Holiness, with sword and mantle, honorary: February 4, 1913. — Prince

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Olgierd Alessandro Czartoryski, of the Diocese of Posen. HONORS. With apostolic briefs, the Holy Father deigned to bestow the following honors: The Order of the Golden Militia, called of the Golden Spear: January 24, 1913. — To His Royal Highness Alfonso of Bourbon, Count of Caserta. The Grand Cross of the Order of Saint Gregory the Great, civil class. January 9, 1913. — To Mr. Antonio Halcón y Vinent, mayor of Seville.

[*Latin ed. p. 56*]

Acta Apostolicae Sedis. - Official Commentary. The Grand Cross of the Order of St. Sylvester: January 15, 1913. – To Mr. Giuseppe Suarez-Guanes y de la Borbolla. The Commander's Cross of the Order of St. Gregory the Great, civil class: January 21, 1913. – To Mr. Giovanni Nepomuceno Waldek, residing in Prague. January 22. – To Mr. Francesco dos Santos Pereira de Vasconcellos, of the diocese of Beja. The Cross of the Order of Pius: January 25, 1913. – To Mr. Commendatore Stanislao Ferrante, Marquis of Ruffano. The Cross of the Order of St. Sylvester: January 25, 1913. – To Mr. Commendatore Giovanni Folie, of the diocese of Trieste. The Commander's Cross of the Order of St. Gregory the Great, civil class: January 13, 1913. – To Mr. Vittore Berard, of the diocese of Annecy. The Knighthood of the Order of St. Gregory the Great, civil class: January 8, 1913. – To Mr. Luigi Mignot, of the diocese of Viviers. January 11. – To Mr. Advocate Enrico Barthez, of the diocese of Carcassonne. January 18. – To Mr. Gioacchino Ramonet, secretary in charge of affairs of Monaco at the Court of Spain. – To Mr. Count Alessandro Skrzynski, formerly attaché to the embassy of Austria-Hungary at the Holy See. January 22. – To Mr. Doctor Luigi Francesco Roberto Van der Eist, a physician in Paris. The Knighthood of the Order of St. Sylvester: January 25, 1913. – To Mr. Luigi Giuliarini, of the diocese of Cortona, January 27. – To Mr. Domenico Amici, of the archdiocese of Camerino. – To Mr. Professor Cesare Ruggeri, of Rome.

NECROLOGY. January 18, 1913. – Monsignor Giosuè Biechi, Bishop of S. Severino. February 4. – His Eminence Cardinal Francesco Saverio Nagl, Archbishop of Vienna. February 7. – Monsignor Stefano Maria Alfonso Sonnois, Archbishop of Cambrai. February 14. – Monsignor Andrea D'Agostino, Bishop of Ariano.

[*Latin ed. p. 57*]

Year V. - Volume V. March 1913. No. 3. OFFICIAL COMMENTARY OF THE APPOSTOLIC SEE. PAPAL ACTS. APOSTOLIC LETTER. THE FACULTY OF CONFERRING ACADEMIC DEGREES IN CANONICAL LAW IS GRANTED TO THE MAJOR SEMINARY OF MILAN. PIUS PP. X. For the perpetual memory of this matter. — Our predecessors, the Roman Pontiffs, guardians and defenders of the sacred disciplines, with diligent study, constantly strove that the students, the hope of the Church, might be thoroughly and religiously instructed in canonical disciplines. Guided by this

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wise counsel, certain prominent faculties of study, established in episcopal seminaries, which excelled in either the reputation of their teachers or the number of their students, were approved by apostolic authority, and the right to confer academic degrees was granted to them. Indeed, we have learned that for six years, in the Major Seminary of Milan, under the authority of the Cardinal Archbishop, a faculty of canonical law has been established, and that it is now flourishing so much that it deserves to be adorned with the highest sanction of the Supreme Apostolic See. Therefore, after consulting with Our Most Reverend and Venerable Brothers, the Cardinals Prefects of the Congregation of Studies, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, by the present document, We canonically establish the faculty of canonical law existing in the Major Seminary of Milan, with the right to confer, at the request of this Holy Apostolic See, academic degrees and the doctoral laurea to those students who have duly attended the schools of that faculty and, having first demonstrated the peril of their doctrine, have been deemed worthy of such honor. We command, however, that in the use of...

[*Latin ed. p. 58*]

58 Acta Apostolicae Sedis. - Official Commentary. The statutes of the aforementioned faculty, concerning the conferring of academic degrees in canon law, must be religiously observed. Those statutes, having been transmitted to Us, We, with Our present apostolic authority, "approve and confirm"; so that the validity and strength of this privilege depend on the perfect observance of these statutes. We decree that these present letters shall always exist and remain, and shall have their full and complete effect and obtain their intended purpose, and that they shall fully benefit those to whom they pertain, now and in the future; and that, in all respects, they shall be duly judged and defined, and shall be void and null from that moment onward, if anything should happen whereby they are attempted to be altered in any way, knowingly or unknowingly, by anyone, by any authority whatsoever, notwithstanding all other apostolic constitutions and ordinances, and all other things, even those deserving of special and individual mention and derogation, to the contrary. Given in Rome, at St. Peter's, under the Fisherman's ring, on the seventeenth day of December, in the year 1912, in the tenth year of Our pontificate. R. CARD. MERRY DEL VAL, L. S. Secretary of State.

ADDRESS GIVEN ON FEBRUARY 22, 1913, TO THE CITIZENS OF GENOA WHO HAVE COME TO ROME TO THE FEET OF THE BLESSED FATHER, SO THAT THEY MAY PRAY CONCERNING THE UNJUST VIOLENCE BY WHICH A NEW ARCHBISHOP IS PREVENTED FROM ASSUMING HIS SEAT.

Your visit at this time, despite the inconveniences and sacrifices, dear

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children, is a true comfort to Us, because you demonstrate thereby that you are taking a living part in Our sorrow for the grave tribulation to which the Church of Genoa, along with its archdiocese, is subjected. Your presence assures Us that you are convinced that We suffer more than you do for the prolonged widowhood of the Church of Genoa, for the good that is being prevented, and for the evil that may result from the lack of a pastor who watches over the flock. And this sorrow is greatly increased, because We do not know how to bring about a remedy for it, not knowing the reasons for which the Archbishop, whom We nominated more than ten months ago, has been prevented from coming. For those who have made the facts known to Us through the newspapers are all praising the Bishop, who would have deserved such an office if he were anyone else.

[*Latin ed. p. 59*]

Acta Pii PP. X. 59, concerning matters of the mind. Among the grievances, which are becoming ever more grievous due to the condition to which we are reduced, a condition which becomes more and more unbearable from day to day, we have silently tolerated the arbitrary prevention, for many months, of newly elected officials from governing their dioceses, without any law imposing such a restriction. We have tolerated the demand made of newly elected officials to request admission to the possession of benefices, but never to the exercise of that ministry, which could only be conferred by the sole authority that could grant it. We have patiently endured the shameful attacks of the press, the slanderous imputations, in public assemblies, of enemies of the Fatherland, with the tacit approval, and sometimes with the applause, of those present, without anyone of those who had the duty to do so rising to their defense; but we could never have imagined that, for the first time in the ten years of our Pontificate, we would reach the point of threatening to refuse temporalities to a Bishop chosen by Us from among so many excellent candidates for such an important diocese: a Bishop who, for many years, had been recognized by all as exemplary, was esteemed by all, and praised by the very authorities who had official relations with him. But we also accept this new tribulation, which the Lord permits; not without feeling the grave insult done to the Head of the Church in his divine mission, and not without protesting against the violation of that freedom and independence, which He does not receive from men, but from God Himself. Therefore, you can well believe how much comfort Your presence gives Us today, with the testimonies of filial affection and unwavering devotion, which you, all the Catholics of the diocese of Genoa, give Us. Indeed, we thank you for the assurance you give Us, and of which we have never doubted, that you are not only willing, but eager, to immediately welcome the Archbishop among you, and to generously provide him with all that is necessary for his person, his dignity, and his office. However, it grieves Us that we

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cannot today fulfill your request, because we would be judged as authors of disorders (which our and your enemies would studiously incite), and also as provocateurs of new offenses, which would be prepared against the Church. For it still offends Us to hear the echo of certain speeches made with contemptuous acrimony, as it is impossible for Us not to manifest the painful impression of the applause with which they were received: an impression which has greatly increased Our sorrow. But this Our sorrow does not take away Our courage and hope, because in every circumstance we have God who protects Us, and, to Our great comfort, prayer. Prayer is the principal duty of the Christian in all times, but especially in difficult and stormy ones. The sacred Scripture speaks of these situations...

[*Latin ed. p. 60*]

Acta Apostolicae Sedis. - Official Commentary. 60. Let us have a council, which is found in the words of the holy King Josaphat: when we do not know what we ought to do, we have nothing left to do but to lift up our eyes to God, from whom alone we can receive enlightenment, inspiration, and help: "Cum ignoramus quid agere debeamus, hoc solum habemus residui, ut oculos nostros dirigamus ad Dominum" (2 Paralipomenon, xx, 12). Oh! It cannot be known nor understood how much value the prayers, invocations, and sighs of fervent priests, humble clerics, consecrated virgins, and pious faithful are worth! Let the children who are prevented from receiving the holy Confirmation pray; let the aspirants to the priesthood, who, at the end of their studies, cannot be promoted to the sacred Orders, pray; let the priests, who, in the greatest need, remain without guidance, without a teacher, without a counselor, pray; let all the children of the archdiocese, who await the father, who will direct them, instruct them, and comfort them with example and word, pray. Let us all pray with that persevering faith, which is taught to us in the book of Tobias, because, however great the power that God grants to men, this will never prevail against His decrees and counsels; and let everyone be certain that if God keeps us in trial, in tribulation, and in punishment, He does so to lead us to mercy, to liberation, and to the crown, to make us enjoy the calm after the storm, to grant us joy after sorrow, and after tears, rejoicing (Tob. III, 20, 21, 22). This is the recommendation that we make to you all, beloved children, and which you will bring to your fellow citizens and archdiocesans, to whom, as to you, we impart from the heart the apostolic blessing. DECREE. The Church of St. Apollinaris is granted to the Rector of the Temple of the Most Holy Trinity, located near the Innocentian Curia, who will also undertake its burdens and add the title to his own. It has recently been signified to the Apostolic See by the Rector of the Temple of the Most Holy Trinity, located near the Innocentian Curia, commonly called Monte Gitorio, that, due to the announced public sale for the cause of that building, he is compelled to

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abandon the sacred building, where...

[*Latin ed. p. 61*]

The Sacred Congregation Consistorial has decreed that certain pious works and endowments, particularly those established in the seventeenth century by the noblewoman Duchess d'Aiguillon to promote vocations to the sacred orders, and subsequently approved and confirmed by the Supreme Pontiffs, especially by the Most Holy Pope Pius IX through his apostolic letters dated November 11, 1857, be transferred. For these reasons, prayers were offered to Our Most Holy Pope Pius X, requesting that He might assign another temple and other buildings to Him and to His successors in office.

Now, since the same Most Holy Pope has decided to construct a more suitable and spacious seminary for the Roman Seminary in the areas adjacent to the Basilica of the Lateran, where the size and layout of the buildings will better meet the needs of the present studies, and since the Church of St. Apollinaris and the adjoining buildings, which have hitherto belonged to the Seminary, can now be designated for other purposes; and since the Cardinal Vicar and the offices of the Roman Diocesan Curia will be better located in other buildings in the city; it has been decided that, in response to the requests made, the Church of St. Apollinaris, together with that part of the adjoining buildings which is bordered on all sides by public roads, up to what is called the Arch of St. Augustine, which is currently used partly by the Seminary and partly by the offices of the Vicariate in Rome, can be used.

Therefore, after careful consideration of all matters, and with full knowledge of the facts, and also supplementing, as necessary, the consent of those who are involved or who may reasonably presume that it is in their interest, Our Most Holy Pope, by the present Consistorial decree, transfers all the pious works, institutions, and endowments which exist in the aforementioned Church of the Most Holy Trinity, together with all its title, rights, and privileges, to the Church of St. Apollinaris, and establishes them there permanently.

He further decrees that, after the transfer has been completed, the temple of the Bishop and Martyr of Ravenna shall be adorned with this new title: "To the Holy Trinity of Augsburg, in honor of St. Apollinaris." And he entrusts the administration and care of this church, by the force of the present decree, to that priest who is currently serving as rector of the Church of the Most Holy Trinity, imposing upon him and his legitimate successors the obligation to fulfill all the duties that belonged to each of the two separate churches.

And in order that this may be carried out more easily, and especially so that pious exercises for the clergy preparing for the sacred orders may be held there, the part of the building which, as we have said, is currently used

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by the Roman Seminary and the Vicariate, is assigned to the rector of the Church of the Most Holy Trinity and St. Apollinaris.

Furthermore, since a suitable sum of money will be paid to the rector for the alienation of the house and church of the Most Holy Trinity near the Lateran Palace, it has been decided by Our Most Holy Pope that this money shall be used to construct new buildings for the Roman Seminary near the Basilica of the Lateran.

[*Latin ed. p. 62*]

Acts of the Apostolic See. - Official Commentary. It is to be understood that this [document] is to be carried out, and therefore, it is to be immediately sent by the rector of the church of the Most Holy Trinity to the person designated by [the authorities] for this purpose. Finally, the present Consistorial Decree is ordered to have the same force as if apostolic letters had been issued under the seal, notwithstanding any exceptions, even those deserving of special mention or derogation. Given from the halls of the Holy Congregation, on the twenty-fifth day of the month of January, in the year 1911. C. CARD. DE LAI, Secretary. L.i$iS. Charles Perosi, Substitute. HOLY CONGREGATION FOR RELIGIOUS ORDERS. DECREE CONCERNING THE CONFESSIONAL PRACTICES OF NUNS AND RELIGIOUS SISTERS. Since several laws have been issued up to this day, concerning the regulation of the confessional practices of Nuns and Religious Sisters, and considering that some of these laws require modification and suitable arrangement, it has been deemed fitting to collect them into a single Decree, as follows: 1. To each religious community, whether of Nuns or Religious Sisters, one confessor, at most, shall be assigned; unless, due to the large number of the religious, or for some other just reason, it is necessary to assign a second, or even more. 2. The assigned confessor shall, as a rule, remain in this office for no longer than three years. However, the Bishop or Ordinary may, for a second, or even a third, three-year period, confirm him in this office: a) if, due to a lack of suitable priests for this office, it is not possible to provide otherwise; or b) if the majority of the Religious, including those who do not have the right to vote, should, by secret ballot, request the confirmation of the same confessor; however, if they dissent, other provisions will be made. 3. At various times during the year, each religious community shall be provided with an extraordinary confessor, to whom all the Religious should have access, at least to receive a blessing.

[*Latin ed. p. 63*]

Sacred Congregation of Religious. 63 4. To each house of religious women, a certain number of priests shall be appointed by the Ordinary, whom the religious women may readily call upon in particular cases, for the purpose of hearing confessions. 5. If any religious woman desires a special confessor or spiritual director, for the sake of her own peace of

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mind and greater progress in the way of God, it shall be readily granted by the Ordinary; who, however, will take care that no abuse arises from this concession: and if any abuse should occur, he will carefully and prudently remove it, always safeguarding the freedom of conscience. 6. If the house of religious women is subject to the Ordinary of the place, he shall choose the priests for hearing confessions, both ordinary and extraordinary; but if it is subject to a regular Superior, he shall present confessors to the Ordinary of the place, to whom it belongs to grant them the power to hear the confessions of those religious women. 7. Priests, whether of the secular clergy or, with the permission of their Superiors, of the regular clergy, may be appointed to the office of confessor, whether ordinary, extraordinary, or special, provided that they have no authority over those religious women in the external forum. 8. Those confessors who have completed forty years of age should be distinguished for integrity and prudence; but the Ordinary may, for a just cause and with a heavy heart, choose priests for this office who are not yet of that age, provided that they excel in the aforementioned virtues of mind. 9. An ordinary confessor cannot be an extraordinary confessor, and, except for the cases mentioned in article 2, he cannot be chosen again as ordinary in the same community, unless after one year from the completion of his office. An extraordinary confessor may immediately be chosen as ordinary. 10. All confessors, whether of nuns or of religious women, must take care not to interfere in the internal or external governance of the community. 11. If any religious woman requests an extraordinary confessor, it is not permitted to any prelate, either by himself or by others, to inquire into the reason for the request, to object to the request in words or deeds, or in any way to show that he takes it amiss; if he acts in this way, he shall be admonished by his own Ordinary; if he commits the same offense again, he shall be removed by the same, after the Sacred Congregation of Religious has been heard. 12. All religious women must in no way discuss the confessions of their companions among themselves, nor must they dare to question those sisters who go to another confessor, other than the one appointed; otherwise, they shall be punished by the prelate or the Ordinary. 13. Special confessors, called to a monastery or religious house, if they understand that the religious women have no just reason, necessity, or spiritual benefit for approaching them, shall prudently dismiss them. Furthermore, all religious women are reminded that, with the faculty granted to them, they may have a special...

[*Latin ed. p. 64*]

Acts of the Apostolic See. - Official Commentary. 64. Regarding the use of confessors, it is to be so arranged that, setting aside human considerations, they may solely attend to spiritual good and greater progress in religious virtues.

14. If, at any time, nuns or religious women should happen to be outside

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their own house, for any reason whatsoever, it is permissible for them to make their confession in any church or oratory, even a semi-public one, with any approved confessor of either sex. The superiors are neither permitted to prohibit this, nor to inquire about it, not even indirectly; and the religious are not bound to report anything to their superiors concerning this matter.

15. All nuns or religious women, when they are seriously ill, even if there is no danger of death, may call any priest approved to hear confessions, and may confess to him as often as they wish, provided the serious infirmity persists.

16. This decree must be observed by all religious families of women, both those with solemn vows and those with simple vows, by the Oblates and other pious communities which are not bound by any vows, even if their institutions are only diocesan. It also obligates communities which are under the jurisdiction of a regular prelate; who, unless he ensures faithful observance of this decree, the Bishop or Ordinary of that place shall do so himself, as the delegate of the Apostolic See.

17. This decree shall be added to the rules and constitutions of each religious family, and shall be publicly read in the chapter of all the religious, in the vernacular language, once a year.

These prerogatives were granted by the Most Holy Pope Pius PP. X, in a plenary meeting of the Sacred Congregation of Religious held at the Vatican on January 31, 1913, and, with the written reference below from the Secretary, he deigned to approve and confirm this decree in its entirety, and to order that it be published and observed scrupulously by all to whom it applies, in the future. Contrary to any and all things, even those of special and individual merit.

Given at Rome, from the Secretariat of the Sacred Congregation of Religious, on February 3, 1913.

Fr. I. C. CARD. VIVES, Prefect.

L. © S. f

Donatus, Archbishop.

Ephesinus, Secretary.

[*Latin ed. p. 65*]

Sacred Congregations of Propaganda Fide and of Rites. 65 SACRED CONGREGATION OF PROPAGANDA FIDE. APPOINTMENT OF A BISHOP. By a brief apostolic letter, he was appointed: January 28, 1913. — The titular Bishop of Thurburitanus and Apostolic Vicar of the new vicariate of Banguelo in central Africa, the Reverend Stephen Larue, of the Society of Missionaries to the Africans. I. QUESTIONS CONCERNING CERTAIN CEREMONIES TO BE OBSERVED BEFORE THE MOST HOLY SACRAMENT, IN THE PRESENCE OR CELEBRATION OF A BISHOP.

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The following questions, for appropriate resolution, were proposed to the Congregation of Rites: I. In the solemn blessing with the Most Holy Sacrament of the Eucharist, when the Bishop is present wearing a cope, and places incense in the thurible, must he himself also incense the Most Holy Sacrament? II. If the aforementioned solemn blessing is given after the pontifical Vespers, with a priest present at the throne, must he kneel to the right of the Bishop at the lowest level of the altar, and minister incense to him, and finally offer the ostensorium for the blessing to be imparted? III. If it should ever happen that a Bishop celebrates a Pontifical Mass before the Most Holy Sacrament exposed, must he himself chant the Gloria and the Creed, and read the Epistle and the Gospel from the throne, as is customary, without a mitre? And the same Sacred Congregation, upon the report of the undersigned Secretary, with the support of the Liturgical Commission, considered that the following answers should be given to the proposed questions: To I. Affirmative, according to decree no. 3035, Briocen., July 21, 1855, ad 1.

[*Latin ed. p. 66*]

Acta Apostolicae Sedis. - Official Commentary. 66 Regarding II. The assisting priest approaches the bishop only to hand him the incense and the thurible for the incense offering; he then yields his place to the assisting deacon, who will subsequently present the censer to the bishop. Regarding III. Affirmative in this case: but according to the custom and practice of cathedral churches, and in accordance with the mind of the *Caeremonialis Episcoporum*, Book I, chapter 12, numbers 8 and 9, the bishop abstains from celebrating a pontifical Mass before the Most Holy Sacrament publicly exposed. And thus it was decreed and declared. On February 8, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. ® S. fPetrus La Fontaine, Bishop of Charistien., Secretary. * II. RUBRICS TO BE INSERTED IN THE ROMAN RITUAL AND BREVIARY IN THE OFFICE FOR THE DEAD. Before the Vespers, whenever the Vespers are recited separately from the Divine Office, the secret prayers *Pater* and *Ave* are said; otherwise, it begins immediately with the antiphon: *Placebo Domino* etc. Before the Matins. Whenever the Matins do not immediately follow the bringing of the body to the church and the Responsory: *Subvenite*, or the Matins of the current day, the secret prayers *Pater*, *Ave*, and *Credo* are said; otherwise, it begins immediately with the Invitatory. Before the IX. Responsory. The following Responsory is said when only three readings of this Nocturn are recited. After the IX. Responsory. The following Responsory is said in place of the preceding one, when nine readings are recited for the deceased. The above-mentioned rubrics are to be added to the Roman Ritual and Breviary in the Office for the Dead, in accordance with recent regulations and especially the Decree of Rome and others of October 25, 1912, by the

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Sacred Congregation of Rites.

[*Latin ed. p. 67*]

67. The Holy Congregation of Rites approved and ordered that it be inserted in new editions of both the Ritual and the Roman Breviary. Notwithstanding any objections whatsoever. February 14, 1913. Fr. S. CARD. MARTINELLI, Prefect. Petrus La Fontaine, Bishop of Charyste, Secretary. III. INSTRUCTION OR DECLARATION CONCERNING THE REFORM OF PROPER CALENDARS. Following the Instruction of the Holy Congregation of Rites published on July 23 of the present year, 1912, since some Ordinary pastors of places in Rome and Superiors General of Orders or religious Congregations, having requested the reform of their own calendars, have presented petitions not entirely in conformity with the aforementioned Instruction, the Holy Congregation of Rites, in order that the work may proceed more expeditiously, has judged it opportune to issue a further instruction, to which everyone who desires to reform a calendar must conform in the future. I. A petition must be transmitted to the Holy Congregation of Rites, in which, with the consent of the Chapter of the cathedral church or the Council of the Order, it is requested that, abandoning the calendar hitherto used, the calendar of the universal Church be observed, with the addition only of those feasts strictly proper, which have a particular relationship to the diocese or religious institute. II. To the aforementioned petition, a list must be added of the aforementioned feasts, which are strictly proper. III. In the aforementioned list, the following particular feasts should be especially included: For Dioceses: a) The dedication of the cathedral church, or of all the churches (if celebrated collectively), b) The title of the cathedral church, c) The principal patron of the diocese, province, nation, d) The principal patron of the episcopal city, e) Principal patronages.

[*Latin ed. p. 68*]

68 Acta Apostolicae Sedis. - Official Commentary. f) Saints who were born, or lived, or died in the diocese, g) Saints whose bodies or notable relics are kept, h) Other feasts which have a special connection with the diocese. For Orders or Congregations: a) Dedication of all churches (if celebrated collectively), b) Principal title, c) Founding Saints, d) Saints who professed the rule of the Order or Congregation, e) Other feasts which have a special connection with the religious institute. IV. For each feast, the following should be noted: a) The day on which it is celebrated, b) The date of birth, if known, c) The rite with which it is observed, d) Its connection with the diocese or Order or Congregation. V. The Proper Office of the diocese or religious institute, and the perpetual calendar previously used, or at least, in its place, the most recent Order of Divine Office, etc., printed, should be sent to this Sacred Congregation. From the Secretariat of the

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Sacred Congregation of Rites, December 12, 1912. *Petrus La Fontaine, Secretary. IV. ROMA. CONCERNING THE CALENDAR FOR THE CLERGY OF THE NOBLE CITY. The Most Reverend and Venerable Cardinal Petrus Respighi, General Vicar and Archpriest of the patriarchal Basilica of the Lateran in the noble City, having humbly implored our most holy Pope Pius X, has requested that His Holiness would deign to grant the faculty, so that the clergy subject to his ordinary jurisdiction may, having set aside the calendar previously used, be able to use, in the future, the Calendar of the universal Church, adding only certain feasts described in the accompanying petition, which have a special connection with the noble City itself. Furthermore, His Holiness, having received the petition of the aforementioned Cardinal, Prefect of the Sacred Congregation of Rites, has deigned to grant these prayers, so that the Calendar of the universal Church, from...

[*Latin ed. p. 69*]

To the entire secular clergy of the venerable City and its district, with the exception of the following additions and variations, which have been made since the year 1914:

January 5, 11, 16, Vigil of the Epiphany, semi-double.

The Octave, semi-double.

St. Marcellus, Pope and Martyr, double.

January 27, 28, St. Vitalian, Pope and Confessor, double.

St. Zosimus, Pope and Confessor (d. after December 26), double.

January 30, February 3, Commemoration, double.

February 13, 14, 15, St. Agnes, second class.

St. Felix IV, Pope and Confessor, double.

Blessed Gaspar of Buffalo, Confessor (d. after December 28), double.

February 16, Commemoration, double.

St. Blaise, Bishop and Martyr.

St. Gregory II, Pope and Confessor, double.

St. Antherus, Pope and Martyr (d. after January 3), double.

February 17, Commemoration, double.

St. Valentine, Priest and Martyr.

St. Telesphorus, Pope and Martyr (d. after January 5), double.

February 18, Commemoration, double.

Ss. Faustinus and Jovitus, Martyrs, double.

February 19, 20, Commemoration, double.

February 25, March 2, Commemoration, double.

March 4, 5, 15, Commemoration, double.

March 28, 29, Commemoration, double.

April 6, 7, Commemoration, double.

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April 12, 16, 17, 19, 22, 26, Commemoration, double.

St. Symeon, Bishop and Martyr.

St. John Chrysostom, Bishop, Confessor, and Doctor of the Church (d. after January 27), double.

St. Martina, Virgin and Martyr (d. after January 30), double.

St. Felix III, Pope and Confessor, double.

St. Simplicius, Pope and Confessor, double.

St. Lucius I, Pope and Martyr, double.

St. Casimir, Confessor (d. after February 4), semi-double.

St. Zachary, Pope and Confessor, double.

St. Sixtus III, Pope and Confessor, double.

St. John of Capistrano, Confessor (d. after February 28), semi-double.

St. Sixtus I, Pope and Martyr, double.

St. Celestine I, Pope and Confessor (d. after March 6), double.

St. Julius I, Pope and Confessor, double.

St. Benedict Joseph Labre, Confessor, semi-double.

St. Anicius, Pope and Martyr, double.

St. Leo IX, Pope and Confessor, double.

Ss. Soter and Caius, Pontiffs and Martyrs, double.

Ss. Cletus and Marcellinus, Pontiffs and Martyrs, double.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis. - Official Commentary. April 27th. 30: St. Anastasius, Pope and Confessor, double. St. Catherine, Virgin, Patron of the Holy City, minor basilica, double major. The Finding of the Holy Cross, double. May 2nd: Commemoration of the Most Holy Events and the Seven Martyrs. May 7th: St. Theodulus, Bishop and Martyr, and St. Juvenal, Bishop, and Confessor. St. Benedict, Pope and Confessor, double. St. Alexander, Pope and Martyr (died on this day), double. May 13th: St. Stanislaus, Bishop and Martyr (died on this day), double. St. Paschal, Pope and Confessor, double. May 21st: Commemoration of St. Boniface, Martyr. St. Felix of Cantalice, Confessor (died on this day), semiduplex. May 23rd: St. John the Baptist of Ross, Confessor, double. The Blessed Virgin Mary, title "Auxilium Christianorum" (Help of Christians), double major. May 25th, 26th, 27th, 30th: St. Gregory VII, Pope and Confessor, double. St. Philip Neri, Confessor, double. St. John, Pope and Martyr, double. St. Felix, Pope and Martyr, double. June 1st: St. Urban, Pope and Martyr (died on the 25th of May), double. St. Eugene, Pope and Confessor, double. Commemoration of the Most Holy Martyrs Marcellinus and Peter, and St. Erasmus. St. Boniface IV, Pope and Confessor (died on the 25th of May), double. St. Eleutherius, Pope and Martyr (died on the 26th of May), double.

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June 8th: St. Bede the Venerable, Confessor and Doctor of the Church (died on this day), double. June 12th: St. Leo III, Pope and Confessor, double. Commemoration of the Most Holy Martyrs Basilides, Cyrinus, Nabor and Nazarius. June 15th: St. John and St. Facundus, Confessors (died on this day), double. Commemoration of the Most Holy Martyrs Vitus, Modestus and Crescentia. St. Silverius, Pope and Martyr, double. The Blessed Innocent VIII, Pope and Confessor, double. St. Paulinus, Bishop and Confessor (died on this day), double. St. Gallicanus, Martyr, double. St. William, Abbot (died on this day), double. June 28th: St. Leo II, Pope and Confessor, double. Commemoration of Bisceglie. June 29th: Sts. Peter and Paul, Apostles, Patrons of the Holy City, major basilica, double, with the Octave. The Precious Blood of Our Lord Jesus Christ, double of the second class. Commemoration of the Lord and (unless it falls on the 7th) the Octave. Commemoration of all the Most Holy Supreme Pontiffs of the Roman Church, double major. Commemoration of the Octave. July 1st: The Lord.

[*Latin ed. p. 71*]

Sacred Congregation of Bishops, July 2, 1837.

Visitation of the Blessed Virgin Mary, twice. Feast of the Octave and of the Saints Procopius and Martinian. Feast of Saint Paul the Pope and of the Conference, (from June 28), twice. Feast of the Octave. Feast of Saint Ireneus the Bishop and of Saint Martin, (from June 28), twice. Feast of the Octave. Feast of Saint Benedict the Pope and of the Conference, twice. Feast of Saint Hadrian the Third the Pope and of the Conference, twice. Feast of the Saints Cyril and Methodius the Bishops and of the Conference, (from July 7), twice. Feast of Saint Pius the First the Pope and of Saint Martin, twice. Feast of Saint Anacletus the Pope and of Saint Martin, twice. Feast of Saint Leo the Fourth the Pope and of the Conference, twice. Feast of Saint Symmachus the Pope and of the Conference, twice. Feast of Saint Eugene the Third the Pope and of the Conference, (from July 8), twice. Feast of the Virgin Saint Praxedis. Feast of Saint Alexis the Confessor, (from July 17), twice. Feast of Vigiliae, July 27. Feast of Saint Vincent of Paul the Confessor, (from July 19), twice. Feast of July 28. Feast of Saint Pantaleon the Martyr? Feast of the Saints Victor the Pope and Martyr, Innocent the Pope and Confessor, July 29. Feast of July 30. Feast of Saint Nazarius and Saint Gelasius the Martyrs, twice. Feast of Saint Felix the Second the Pope and Martyr, twice. Feast of the Saints Simplicius, Faustinus and Beatrice the Martyrs. Feast of Saint Urban the Second the Pope and of the Conference, (from July 29), twice. August 2. Feast of the Saints Abdon and Sennen the Martyrs. Feast of Saint Stephen the Pope and Martyr, twice. Feast of the Transfiguration of the Lord, twice, first class, with the Octave. Feast of Saint Cajetan the Confessor, twice. Feast of the Octave and of Saint Donatus the Bishop and Martyr. Feast of the Saints Cyriacus, Largus and Smaragdus the

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Martyrs, semi-double. Feast of Saint Christina the Virgin and Martyr, July 3. Feast of July 9. Feast of July 11. Feast of July 12. Feast of July 13. Feast of the Octave. Feast of Saint Xystus the Second the Pope and Martyr, (from July 6), twice. Feast of the Octave, Vigiliae and of Saint Romanus the Martyr. Feast of Saint Hormisdas the Pope and Confessor, (from July 6), twice. Feast of the Octaves and of the Saints Tiburtius and Susanna the Virgins and Martyrs. Feast of Saint Clara the Virgin, twice. Feast of the Octaves. Feast of the Octave of the Transfiguration of the Lord, greater double. Feast of the Octave of Saint Lawrence and of the Saints Hippolytus and Cassius the Martyrs.

[*Latin ed. p. 72*]

Acts of the Apostolic See. - Official Commentary. August 14th. Saint Alphonsus Mary de Liguori, Bishop, Confessor, and Doctor of the Church (died August 1st), double. Commemoration of the Octave, Vigils of Vigiliae and the 16th, 18th, 19th. Commemoration of Saint Eusebius, Confessor. Commemoration of Saint Roch, Confessor, double. Commemoration of the Octaves. Commemoration of Saint Hyacinth, Confessor (died August 16th), double. Commemoration of the Octave and of Saint Agapitus, Martyr. Commemoration of Saint Elizabeth, Queen (died July 8th), semiduplex. Commemoration of the 23rd, 24th, and Octave. Commemoration of Saint Philip, Confessor, double. Commemoration of Saint Martha, Virgin (died July 29th), semiduplex. Commemoration of the Vigils. August 25th. Commemoration of Saint Bartholomew, Apostle, double of the first class. August 26th. Commemoration of Saint Zephyrinus, Pope and Martyr, double. September 1st. Commemoration of Saint Louis, King, Confessor (died August 25th), semiduplex. Commemoration of Saint Giles, Abbot, and of the Holy Twelve Brothers, Martyrs, double. September 9th. Commemoration of Saint Sergius, Pope, and Confessor, double. Commemoration of the Octave and of the 10th, 11th, and 16th. Commemoration of Saint Gorgonia, Martyr. Commemoration of Saint Hilary, Pope, and Confessor, double. Commemoration of the Octave. Commemoration of Saint Nicholas of Tolentino, Confessor (died August 10th), double. Commemoration of the Octave and of Saints Protus and Hyacinth, Martyrs. Commemoration of Saints Cornelius, Pope, and Cyprian, Bishop, Martyrs, double. Commemoration of Saints Euphemia and Socius, Martyrs. September 20th. Commemoration of Saint Agapitus, Pope, and Confessor, double. Commemoration of the Vigils. September 23rd, 24th, and 26th. Commemoration of Saint Linus, Pope, and Martyr, double. Commemoration of Saint Thecla, Virgin and Martyr. Commemoration of Saints Eustachius and Socius, Martyrs (died September 20th), double. Commemoration of Saint Eusebius, Pope, and Martyr, double. Commemoration of Saints Cyprian and Justina, Martyrs. Commemoration of Saint Gall, Virgin, double. Commemoration of Saints Placidus and Socius, Martyrs. Commemoration of Saint Mark,

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Pope, and Confessor, double. Commemoration of Saints Sergius and Sociorum, Martyrs. October 5th. Commemoration of the 7th, 11th, and 16th. Commemoration of Blessed John Leonard, Confessor (died October 10th), semiduplex. Commemoration of Blessed Victor III, Pope, and Confessor, double. Commemoration of the 25th and 26th. Commemoration of Saint Boniface, Pope, and Confessor, double. Commemoration of Saints Chrysanthus and Daria, Martyrs. Commemoration of Saint Evaristus, Pope, and Martyr, double. November 5th. Commemoration of the Relics of the Saints, which are preserved in the churches of the venerable City, double major. Commemoration of the Octave. Dedication of the Archbasilica of the Most Holy Savior, double of the first class, with Octave.

[*Latin ed. p. 73*]

73. Holy Congregation of Bishops. November 10th. 11th, 12th: Feast of Saint Andrew Avellino, Double. Office of the Octave and of the Saints Tryphon and Socius. Mass of Saint Martin, Bishop and Confessor, Double. Office of the Octave and of Saint Menna, Martyr. Mass of Saint Martin, Pope and Martyr, Double. Office of the Octave. Mass of Saint Nicholas, Pope and Confessor, Double. Office of the Octave. Mass of Saint Josaphat, Bishop and Martyr, Double. Office of the Octave. November 15th: Feast of Saint Gertrude, Virgin, Double. Office of the Octave. November 16th-19th: Octave of the Dedication of the Archbasilica of the Most Holy Savior, Greater Double. Mass of Saint Pontian, Pope and Martyr, Double. November 26th: Feast of Saint Siricius, Pope and Confessor, Double. Office of Saint Peter of Alexandria, Bishop, and Martyr. November 27th: Mass of Saint Deusdedit, Pope and Confessor (d. a. 8), Double. November 28th: Feast of Saint Gregory III, Pope and Confessor, Double. November 29th: Feast of Saint Gelasius, Pope and Confessor (d. a. 21), Double. Office of the Vigil and of Saint Saturninus, Martyr. November 30th: Feast of Saint Elizabeth (d. a. 19 November), Double. Feast of Saint Sylvester, Abbot (d. a. 26 November), Double. Office of Saint Sabas, Abbot. December 1st: Feast of Saint Eutychianus, Pope and Martyr (d. a. 8), Double. Office of the Octave. Feast of Saint Melchiades, Pope and Martyr, Double. Office of the Octave. December 5th-9th: Feast of Saint Damasus, Pope and Confessor, Double. Office of the Octave. Feast of Saint Stanislaus Kostka, Confessor (d. a. 13 November), Semiduplex. Office of the Octave. Feast of Saint Leonard of Port Maurice, Confessor (d. a. 26 November), Semiduplex. Office of the Octave. December 10th-12th: Feast of Saint Didacus, Confessor (d. a. 13 November), Semiduplex. Feast of Urban, Pope and Confessor, Double. December 17th-19th: Feast of Saint Dionysius, Pope and Confessor (d. a. 26), Double. Office of the Octaves. Furthermore, His Holiness decreed that this Calendar of the Roman Clergy be used in the patriarchal Basilicas of the Lateran and Saint John Lateran, and in the smaller Basilicas of the city, in collegiate churches, and in other non-exempt churches; also in dioceses

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and religious houses of both sexes, which, either by right or by privilege, use the Calendar of the Roman Clergy: with the power granted to the aforementioned Basilicas, churches, dioceses, and religious houses to add their respective proper feasts, according to the ACTA, volume V, number 3. — 1-3-913.

[*Latin ed. p. 74*]

74. Acta Apostolicae Sedis. - Official Commentary. Including rubrics and decrees, and especially concerning the decree "De repositione et translatione festorum in ecclesiis particularibus," of May 3, 1911. Contrary opinions notwithstanding. February 14, 1913. Fr. S. CARD. MARTINELLI, Prefect. Petrus La Fontaine, Bishop of Charystien, Secretary. SACRA ROMANA ROTA.

During the blessed reign of Pope Pius X, in the tenth year of His Pontificate, on the sixteenth day of the month of January, in the year 1913, the Most Reverend Fathers, Aloisius Sincero, Ponens, Joseph Mori, and Frederick Cattani, Auditors at Tournon, in the case of Mileten - Iurium, between the Confraternity of the Blessed Virgin of Gratiarum and the Parish Priest of Arenae, represented by the legitimate procurator, advocate Nazareno Patrizi, and the Confraternity of Saint Michael, represented by the legitimate procurator, advocate Vincent Sacconi, pronounced the following final judgment.

In Arenae, a town in the diocese of Miletensis, there are two confraternities: one of the Blessed Virgin of Gratiarum, and the other of Saint Michael. The former has its seat in a certain oratory, separate from the parish church, and obtained royal approval in December of the year 1776, on the ninth day; the latter has its seat in the very parish church, and was granted royal approval in the year 1777.

Whether and in what manner each was founded and canonically erected is not evident from the documents. Concerning the Confraternity of the Blessed Virgin of Gratiarum, its members stated in a document in which the royal approval is contained, that "in that city, since the year 1722, there has existed a congregation under the title of the Souls in Purgatory, which from that time has been governed by rules recognized and approved by the Diocesan Bishop of Mileto."

[*Latin ed. p. 75*]

The Roman Rota. 75. Concerning the Brotherhood of St. Michael, it is written in the records of the visitation of the vicariate of Arenarum in the year 1744: "...Visited the altar dedicated to St. Michael the Archangel, which was erected from the very beginning by the aforementioned administrator, the Reverend Archpriest (Fr. Dominici Gullà)... In this altar, there is a Brotherhood under the patronage of the Most Holy Sacrament, and at present, it is governed by a chaplain to be chosen and

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a procurator, according to the instructions established by the episcopal curia of Mileten." Furthermore, the Archpriest Gullà, in his will, dated June 7th, in the year 1764, stipulated: "He bequeaths to his universal and particular heir the chapel of the glorious Prince St. Michael the Archangel, which he himself erected from the very beginning at his own expense in the aforementioned venerable archiepiscopal and parish church of St. Mary of the Latins in that place, and for this, the Congregation of said glorious Prince, canonically established under the patronage of the Most Holy Sacrament – as he himself stated – by said Testator..." Moreover, for many years, the two Brotherhoods have fiercely and bitterly contended with each other regarding rights, precedence, and especially precedence in theophoric processions, as can be inferred from the records. And the disagreements, discord, and complaints have been so ancient and frequent that in the year 1835, on March 18th, a certain agreement was reached between them; then, in the year 1885, the Ordinary of Mileten issued certain ordinances, postponing other arrangements until the next visitation, in order to ensure that the rights of both Brotherhoods would be safeguarded, and later, in the year 1889, the Bishop De Lorenzo, with his decree dated December 18th, issued stricter ordinances against both Brotherhoods, in order to judge the matter and prevent any prejudice to the rights of the Brotherhoods; and then, in the year 1893, under the auspices of the same Bishop, another agreement was reached "solely to procure a means of peaceful coexistence" between the Brotherhoods "on the occasion of the procession of the Most Holy Body of Christ and in other circumstances." Finally, the current Bishop Morabito imposed a new agreement on both Brotherhoods in the year 1903. However, since these remedies did not put an end to the discord, the Brotherhood of St. Michael, through a petition dated November 2nd, 1909, presented to the curia of Mileten, instituted a lawsuit against the Brotherhood of the Blessed Virgin Mary of Graces and the parish priest of Arenae. It received a favorable judgment. For the Tribunal of the curia of Mileten, in its judgment issued on July 2nd, 1910, stated in part: "1° It declares that the right of precedence belongs solely to the Brotherhood of St. Michael the Archangel, under the title of the Most Holy Sacrament..."

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis. - Commentarium Officiale. "Concerning the processions of the Most Holy Sacrament on the Thursday of the feast of the Body of Christ, and in all other processions of the Most Holy Sacrament, it is declared that they originate from the natural reason of the title by which they are honored.

2° It is declared that the same Confraternity has the right of ownership of the statue of the Immaculate Conception, and the right to display, in its chapel and oratory, both this statue and other sacred images, if it has them,

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for internal functions only, within the limits permitted by its dependence on the local parish priest, and with the approval and license of the superior ecclesiastical authority of the diocese.

3° It is declared that the same Confraternity has the right, excluding the other Confraternity of Grace, by long-standing custom, and with the knowledge of the local parish priest, which has never been contradicted, to hold the traditional feasts of Easter, of Saint Dominic, of Saint Catherine of Alexandria, even under the dependence of the parish priest, to whom belongs the moderation of said feasts and the direction thereof, and to participate in the procession of the Palms.

4° It is declared that the same Confraternity has the right to hold, on the day established by its statutes and in its own oratory, the feast of Saint Michael the Archangel with the customary functions and processions. It will be at the discretion of the parish priest whether he will allow them to hold these functions, although they have no right to do so on the main altar.

5° The request of the parish priest is rejected, in which he asks that the Confraternity of Saint Michael be transferred to the church of Saint Dominic, since the Confraternity, at the very least, has held possession of its domicile in the church of the parish for thirty years.

6° The dependence of this Confraternity on the local parish priest is confirmed, according to the decree of the Holy Congregation of Rites of December 10, 1703, reminding that if the functions of the Confraternity must not be an obstacle to the functions of the parish, the parish priest must neither impede, nor diminish, nor obstruct those of the Confraternity.

7° It is declared that the Confraternity of Grace has the right of precedence in all processions, should it participate, which are not of the Most Holy Sacrament, due to its seniority, but not the right to hold the procession of the Most Holy Sacrament on the Sunday immediately following the octave of the Body of Christ, since this is neither prescribed nor even mentioned, either in the statutes of the Confraternity, nor in any other alleged titles from which it is claimed to derive.

8° If, in the past, it did so on occasion, it was by concession of the Superior, which, for one or two times, cannot constitute a right."

[*Latin ed. p. 77*]

The Roman Rota, on the 77th day of the 9th year, condemns the parish priest, Father Dominic Anthony Giamba, and the Confraternity of Gratiarum to pay the expenses of this legal proceeding, and the fees of the lawyers, to be determined by the one who prepared the document. Subsequently, on August 9, 1910, the aforementioned president of the tribunal from which the sentence was issued, Canon Mancuso, the vicar general, issued this declaration: "Since clauses 3 and 7 of the sentence

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of July 4-5, 1910, issued by this Most Reverend Curia in the canonical cause between the Confraternities of Arena, have been interpreted, as we are informed, in a sense different from that which they present, and in order to clarify the matter further, we declare that clause 3 means: that the Confraternity of Gratiarum has no influence over the feasts and processions that the Congregation of Saint Michael, either for reasons of its statutes, or by acquired right, as would be those traditionally held on Easter, on Saint Dominic's Day, and on Saint Catherine's Day, customarily celebrates, provided, however, with the permission of the diocesan ecclesiastical authority. Clause 7 of the same sentence means that the Confraternity of Gratiarum has no right to participate in processions that are not its own, and that, if it participates in such processions by invitation, it has precedence over the Confraternity of Saint Michael, by reason of its seniority. This exception always applies to the procession of the Most Holy Sacrament, in which the Confraternity of Saint Michael has precedence, since it is also under the title of the Most Holy Sacrament. Thus, removing any doubt, the aforementioned sentence must be executed only in the sense declared above."

Against the sentence of the Curia of Mileto, the Confraternity of the Blessed Virgin Mary of Gratiarum and the parish priest of Arena, Archpriest Dominic Anthony Giamba, appealed, and the cause now comes before us with these proposed and concordant doubts:

I. Whether, in processions in which the Most Holy Sacrament is carried, the right of precedence belongs to the Confraternity of the Blessed Virgin Mary of Gratiarum, or rather to the Confraternity of Saint Michael, in this case.

II. Whether the Confraternity of the Blessed Virgin Mary of Gratiarum has the right to propose the procession of the Most Holy Sacrament on the Sunday immediately following the octave.

III. Whether and in what way the Confraternity of the Blessed Virgin Mary of Gratiarum has the right to participate in all processions without an invitation from the Confraternity of Saint Michael; or whether the contrary is the case.

IV. Whether and in what way the feasts and processions of Saint Michael, of Saint Dominic, of Saint Catherine, and the so-called "Affrontata," and the procession on Palm Sunday, belong to the Confraternity of Saint Michael, or rather to the parish priest.

[*Latin ed. p. 78*]

78. Acta Apostolicae Sedis. - Official Commentary. V. Does the property of the image of the Most Blessed Virgin, Immaculate, as well as the right to celebrate her feast with a procession, belong to the Confraternity of Saint Michael, or to the parish of Grado? VI. To what extent does the Confra-

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ternity of Saint Michael, under the authority of the parish, have the right to arrange feasts and processions for the veneration of the Saints whose images are in the oratory, and to introduce other images? VII. To whom should the expenses of the first degree be paid, in this case?

I. The first question to be noted pertains to the bishop, as stated in the Council of Trent, Session 25, De regulis et monachis, chapter 3, which states that all controversies regarding precedence in public processions are to be resolved by the bishop, without any appeal and notwithstanding any exceptions, as stated in S.R.C. in Westmonasterien, December 11, 1896, at 1; Ojetti, Synopsis, no. 3239. However, in this case, since this controversy regarding precedence involves other issues of rights, and the judge of first instance has definitively ruled on all of them, this religious order is rightfully appealing according to canon 14-17 of the proper law of the Holy Roman Church and the Apostolic See.

In essence, the question is this: although all lay confraternities must proceed and precede each other in processions according to the Bull of Gregory XIII, July 15, 1583, and as stated in Sac. Congr. Rit. in Nepeta, May 10, 1608, and in Thelesina, March 19, 1611; therefore, the confraternity that possesses the right of precedence must precede, and if this is not established, the confraternity that was vested in sacred vestments first must precede, as stated in Sac. Congr. Conc. in Baren, May 25, 1901, in Synopontina, September 10, 1898, May 18, 1899, Sac. Congr. Rituum in Sorana, August 7, 1628, and in S. Severinae, Praecedentiae, September 24, 1712, and this must be observed even by the Confraternity of the Most Holy Sacrament in other processions in which the Most Holy Sacrament is not carried, for which antiquity gives precedence, as stated in Sac. Congr. Rituum in Lauden, July 18, 1628, and in Nullius, September 30, 1628; however, in those processions in which the Most Holy Sacrament is carried, the Confraternity of the Most Holy Sacrament, if vested, must be given precedence over all other confraternities, without regard to antiquity, as declared by Sac. Congr. Rituum in Vercellen, June 18, 1695, in Cremonen, August 3, 1697, in Mediolanen, June 19, 1655, in Novarien, August 26, 1752, at 1, and in Squillacen, January 17, 1887.

The central question, therefore, is whether the Confraternity of the Arenas, commonly called Saint Michael, legitimately possesses the title of the Most Holy Sacrament, and whether this title is primary, or at least equally important. However, there is no doubt about this from the records and evidence presented in the case. For the records of the visitation of the vicariate of the Arenas in the year 1744...

[*Latin ed. p. 79*]

The Roman Rota. It is called, under the auspices of the Most Holy Sacrament: "In the aforementioned altar (under the title of "St. Michael the Archangel"), there is a confraternity under the auspices of the Most Holy Sacrament... according to the instructions established by the episcopal

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curia of Mileten." And the archpriest Gullà himself, who erected this altar or chapel from his own resources, and who, in his own name, established this confraternity as the heir to all his goods, and who took care that this confraternity be canonically erected, as can be understood from his will, calls it: "Congregation of the aforementioned glorious Prince under the auspices of the Most Holy Sacrament." Although a formal decree of canonical erection is desired, it is clear that the confraternity called St. Michael, from its very beginning, has been associated with the title of the Most Holy Sacrament, and especially with that title. This is confirmed by the aforementioned royal decree of the year 1777, and also by the rules of the congregation, which were presented to the king to obtain his approval, in which this confraternity is called: "Congregation of St. Michael the Archangel of the Most Holy Sacrament," and in several places: "Congregation of St. Michael the Archangel under the title of the Most Holy Sacrament," and no other title is given. Moreover, in those rules, certain duties and functions are imposed upon the members for this very reason, "because this congregation is under the auspices of the Most Holy Sacrament," such as: "They are principally obligated to attend Mass and receive Holy Communion every third Sunday of the month, because they must attend the sung Mass and the procession, which has always been customary to be held around the church of the Most Holy Sacrament on the feast of Corpus Christi and on the Sunday within the octave, as they must attend these functions... because this congregation is under the auspices of the most august Sacrament..." and "It must be done... during Carnival, the exposition of the Blessed Sacrament for the last three days, as well as the procession on the Sunday within the octave of Corpus Christi, because this congregation is under the auspices of the Most Holy Sacrament." Therefore, this special devotion to the Most Holy Eucharist is reflected in the banner of the confraternity: "on one side, the image of St. Michael, and on the other, that of the Most Holy Sacrament," as the judge of first instance noted and declared. To all of this is added the more than secular peaceful observance and consent of the confraternity of the Blessed Virgin of Gratiarum during a time without suspicion, for, as we omit other things, in the harmonious relations between the two confraternities in the years 1835 and 1903, the confraternity of St. Michael has always been given these titles and names: "under the title of St. Michael the Archangel and the Most Holy Sacrament, Congregation of St. Michael the Archangel and the Most Holy Sacrament, Congregation of St. Michael the Archangel, under the title of the Most Holy Sacrament." With these things established, it is superfluous and useless to...

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis. - Official Commentary. To expound all the arguments by which the patron of the Brotherhood of the Most Blessed

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Virgin of Gratiarum seeks to prove the legitimacy of its precedence in theophoric processions. Neither does the distinction made in the case matter between title and institution. For the word "institution" signifies the same as the name, as is stated in the Constitution of Clement VIII, promulgated on December 7, 1604, which begins "Quaecumque" (Whatever); and therefore it is converted with the title; or, if it adds something to the meaning of the title, it rather argues for the canonical erection of the Brotherhood itself, as is shown in Rivarolo, Governo della Parrocchia, part II, title II, chapter I, paragraph V. And even less does it matter what the same patron objects, namely, that "according to the Constitution of Clement VIII, any brotherhood can have a double title; but since a double title constitutes a double legal personality, it forms two morally distinct colleges, with different rights and obligations in Pollenzo; therefore, according to the same Constitution, this distinct and separate personality cannot be recognized unless by a decree of ecclesiastical authority, by which this double legal personality is granted." But of all these things mentioned in the cited Constitution, there is neither a wing nor a trace, and that a double title constitutes a double legal personality, forming two morally distinct colleges, is so contrary to law that it does not even require refutation. On the contrary, in the cited Constitution, as noted above, the word "institution" sounds, in § 1, paragraph 7, the same as "name," and in § 1, paragraphs 3, 4, 5, 6, etc., the same as "Order," "Religion," "Archiconfraternity," and "Congregation," and this is established only to the extent that only one brotherhood of the same institution and genus can be established and aggregated in both secular and regular churches, as stated by Ferraris, in "Confraternitas," article I, paragraph 3, which is entirely different from what the same patron imagines. No prejudice has been brought against the Brotherhood of the Most Holy Sacrament regarding this right of precedence in theophoric processions from the concordats and decrees issued by the Ordinaries of Mileto, as mentioned above. For no concordat, no decree directly states anything about this right of precedence, except for the concordat entered into in 1893. But with regard to this concordat, it is expressly stated: "This present agreement, as has been said from the beginning, is purely provisional, and must not have any value as a precedent argument, should the question existing between the two brotherhoods be formally discussed before the Most Reverend Curia, leaving each of the two free to initiate the procedure when it deems convenient."

[*Latin ed. p. 81*]

The Roman Rota. Therefore, unless it is a certain temporary mode of living, as they say, and approved by the Ordinary. Likewise, other decrees and agreements have this provisional nature, and which expressly have not prejudiced the rights of any Brotherhood. Regarding the agreement of 1835,

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in particular, first, it is not certain that it was legitimately initiated; then, the right of precedence in theophoric processions, and other such rights granted and bestowed upon the Brotherhoods of the Most Holy Sacrament by the sacred canons, cannot be revoked, nor can they be included in an agreement by the Brotherhoods themselves, as evidenced by the Sacred Congregation of Rites in Goa, November 11, 1904. II. According to the question raised, the Brotherhood of the Blessed Virgin of Gratias does not in any way or by any title prove that it has the right to organize the procession of the Most Holy Sacrament on the Sunday immediately following the octave of the feast of the Most Precious Body and Blood of Christ. Not by reason of its title, nor by the rules or statutes of its foundation, as is evident. Not by virtue of the Rescript given by the Sacred Congregation of Rites in the year 1820, for this Rescript concerns the faculty of celebrating the feast in honor of the Heart of Jesus. Not by reason of the agreement made by the Ordinary of Miletus in the year 1903 with the Brotherhoods subject to him, and initiated by them, for this agreement defined no rights, and was initiated "for the sake of peace, preserving the rights of each." Finally, not by reason of custom; for one or the other act performed by concession does not create a custom that has the force of law. III. Regarding the third question, namely, whether and in what way the Brotherhood of the Blessed Virgin of Gratias has the right to participate in all processions, and without invitation from the Brotherhood of Saint Michael, or otherwise; first, the decree issued by Bishop Philip Mincione during the pastoral visitation of Arena on May 24, 1853, concerning what it establishes in the first item, must be observed. For in the first item, it decreed: "that the aforementioned two Brotherhoods must, because they are obligated, indispensably participate in all processions of the rite, which are those of Thursday of Corpus Christi, of Saint Mark the Evangelist, of the Rogations in the three days preceding the Ascension, and of Saint Michael the Archangel, whose feast is solemnly celebrated on one of the Sundays of August or September of each year, venerated and considered as the principal patron by the entire population of Arena from ancient times." Therefore, they are obligated to participate in these processions, and in this way, they have the right, without invitation from the Brotherhood of Saint Michael, to participate. Regarding other processions, a distinction must be made between those which the Brotherhood of Saint Michael organizes by its own right, of which we will speak shortly, and those...

[*Latin ed. p. 82*]

I. The Acts of the Apostolic See. - Official Commentary. These are matters which the Brotherhood of St. Michael itself does not indicate by its own right. In those matters, the Brotherhood of the Blessed Virgin of Gratiarum does not have the right to intervene without an invitation from the Brotherhood of St. Michael, except for the procession in honor of St. Michael.

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For this procession, as well as the feast and other functions in honor of St. Michael, must be held at the expense of the Brotherhood of St. Michael, as expressly stated in its own rules or statutes: but the Brotherhood of the Blessed Virgin Mary of Gratiarum has the obligation, and therefore the right, to participate without an invitation from the Brotherhood of St. Michael, by virtue of the aforementioned Decree No. I of Bishop Mincione. The just reason for this provision is given in the aforementioned decree, because St. Michael is considered and venerated as the principal patron of the people of the locality of Arenarum. Finally, with regard to other processions which the Brotherhood of St. Michael does not indicate by its own right, the Brotherhood of the Blessed Virgin Mary of Gratiarum has the right to participate of its own accord, provided that all common legal provisions are observed. IV. Regarding the feasts and processions which were enumerated in the fourth question, a distinction must also be made. The feast and procession of St. Michael belong to the Brotherhood itself by reason of its statutes, in which it is stated: "On the day of St. Michael, September 29th, a solemn feast must be held with a sung Mass, a panegyric, and a procession, at the expense of said Congregation, as well as the novena preceding said feast, with sung Masses and the exposition of the Most Holy Sacrament." But this right and obligation must be carried out by the Brotherhood of St. Michael in such a way that it is reconciled with the provisions contained in Decree No. I of Mincione, mentioned above. The feasts and processions of the Holy Name of Jesus, of St. Catherine, and commonly of the "Affrontata" belong to the Brotherhood of St. Michael by reason of custom, as has already been indicated in the agreement of 1835, and has been abundantly demonstrated by witnesses, especially by Dominic Gavino, Dominic Anthony Inzitari, formerly Gregory, Joseph Pagano, formerly Dominic, Aloysius Rascaglia, Joseph Scardamaglia, Francis Pagano, Joseph Gerace, formerly Joseph, Nicholas Pagano, formerly Nicholas, Dominic De Paola, Augustus Paschalis, Bruno Sicilian, in their responses to Question XIV. V. The fifth question concerns the ownership of the image of the Blessed Virgin Mary Immaculate. Without a doubt, it does not belong to the Parish Priest, but to the Brotherhood of St. Michael, by virtue of the aforementioned will of Parish Priest Gullà, who bequeathed it to them.

[*Latin ed. p. 83*]

The Roman Rota decreed in favor of eighty-three confraternities. "Furthermore, it leaves to said Congregation the statue of the 'Immaculate Conception of the Most Holy Virgin...' Neither did the parish priest acquire it by prescription, as affirmed by the witnesses presented, especially Reverend Joseph Anthony Inzitari, Dominic Gavino, Francis formerly of Vincent, Aloysius Rascaglia, Nicholas formerly of Nicholas, and Michael of Corbo formerly of Francis, in their testimonies. From these points, it follows that the right to celebrate the feast of the Blessed Virgin Mary Immaculate

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with a procession does not solely belong to the parish priest, but also to the Confraternity of Saint Michael, with all due dependence on the parish priest and the Ordinary. Regarding the second question, it is certain in law that legitimately established lay confraternities in parochial churches are dependent on the parish priest in the performance of ecclesiastical functions that are not parochial; see Sacred Congregation of Rites, Decree of December 10, 1703, paragraphs I and II, XXII, etc. However, the functions, duties, feasts, and other matters pertaining to the confraternities belong to them, provided that they do not impede the functions and divine services, as stated in the same decree of the Sacred Congregation of Rites, paragraphs XIV, XXI, and XXX. Consequently, the Confraternity of Saint Michael, since its seat is legitimately located in the parochial church, cannot introduce new statues or images into its chapel or oratory without the permission of the parish priest and the Ordinary. Regarding the expenses of the first instance judgment, since the Confraternity of the Blessed Virgin of Graces and the parish priest Dominic Anthony Giamba were not entirely successful in all respects, as evidenced in the dispositive part of the sentence of the Court of Mileto, numbered 3 and 7, therefore, while in other respects, concerning the substance of the controversy, this Sacred Order confirms the sentence of the Court of Mileto in all matters presented before the Most Holy Tribunal in the appeal, it regulates the expenses in such a way that two-thirds of the expenses are to be paid to the Confraternity of Saint Michael, both by the parish priest Giamba and by the Confraternity of the Blessed Virgin of Graces. This same principle and measure shall be observed regarding the strictly judicial expenses by this Sacred Order, and the expenses of the litigation and the attorney's fees shall be borne by the Confraternity of Saint Michael. Having considered all these matters, both in fact and in law, and having diligently pondered them, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with God alone before our eyes, respond to the proposed questions and definitively pronounce our judgment. Regarding the first question: Does the Confraternity of the Blessed Virgin Mary have the right of precedence in processions in which the Most Holy Sacrament is carried?

[*Latin ed. p. 84*]

84 Acta Apostolicae Sedis. - Official Commentary. Regarding the Virgin of Gratiarum, or rather, the Confraternity of St. Michael, we respond as follows: Negatively to the first part, affirmatively to the second. Regarding the second question: Does the Confraternity of the Blessed Virgin of Gratiarum have the right to organize a procession of the Most Holy Sacrament on Sundays immediately following the octave of the Feast of the Body and Blood of Our Lord? We respond: Negatively. Regarding the third question: Does the Confraternity of the Blessed Virgin of Gratiarum have the right to participate in all processions, without an invitation from the Confraternity of St.

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Michael, and if so, in what manner? We respond: Affirmatively with regard to the processions listed in the first item of the Decree issued by Bishop Mincione on May 2nd, 1853, during his pastoral visit to Arenae; with regard to other processions, negatively in those which the Confraternity of the Most Holy Sacrament organizes by its own right; affirmatively in others, provided that the common law is observed in all cases. Regarding the fourth question: Do the feast days and processions of St. Michael, the Holy Sunday, St. Catherine, and commonly known as "del V'Affrontata," and the procession on Palm Sunday, belong to the Confraternity of St. Michael, or rather, to the Parish Priest? We respond: Affirmatively with regard to the feast day and procession of St. Michael, by reason of the statutes; with regard to the feast days and processions of the Holy Sunday, St. Catherine, and commonly known as "dell'Affrontata," by reason of custom; negatively with regard to the procession on Palm Sunday, which belongs to the Parish Priest. Regarding the fifth question: Does the property of the image of the Blessed Virgin Immaculate, as well as the right to celebrate her feast day with a procession, belong to the Confraternity of St. Michael, or to the Parish Priest? We respond: Affirmatively to the first part, that is, the property of the image of the Blessed Virgin belongs to the Confraternity of St. Michael and the Most Holy Sacrament; the right, however, to celebrate the same feast day with a procession belongs to both, but always under the authority of the Parish Priest and the Ordinary. Regarding the sixth question: Under the authority of the Parish Priest, does the Confraternity of St. Michael have the right to organize feast days and processions for the cult of the Saints whose images are in the Oratory, as well as to introduce other images? We respond: Affirmatively to the first part, provided that they do not impede the functions of the parish; negatively to the second, unless the permission of the Parish Priest or the Ordinary is obtained. Regarding the seventh question: To whom should the expenses of the first grade be assigned, in this case? We respond: Two-thirds of the expenses should be assigned to the Confraternity of the Blessed Virgin of Gratiarum and the Parish Priest of Arenae, Dominic Anthony Giamba; the remaining third should be assigned to the Confraternity of the Most Holy Sacrament.

[*Latin ed. p. 85*]

The Roman Rota. 85 Thus we pronounce and definitively judge, commanding the Ordinary officials of the places and the ministers of the tribunals to which this pertains, that they should diligently execute this judgment, and against those who resist, they should proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning appeals, of the Council of Trent, employing the executive and coercive means that shall be deemed more effective and suitable for the circumstances. Rome, on the 25th of January, 1913. Aloysius Sincero, Prelate. Joseph Mori. Frederick Cattani. Reverend Father Tani, Notary of the Holy

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Roman Rota.

In the Holy Roman Rota, in the year 1912, besides the cases already published in No. 1 of this Commentary, the following cases were heard in secret, and the definitive judgment of which is published here only in its dispositive part, as follows:

XXII. WLADISLAVÍEN. – Nullity of marriage. The question proposed: Does it appear that there is a nullity in the marriage in this case? Reverend Monsignor Lega, Dean, and the Most Reverend Fathers, Doctors G. Sebastianeiii and S. Many, on the 7th of December, 1912, judged that: It does not sufficiently appear that there is a nullity in the marriage.

XXIII. MONTISPBSSULANI. – Nullity of marriage. The question proposed: Does it appear that there is a nullity in the marriage in this case? The Most Reverend Fathers, Doctors I. Prior, Dean, A. Sincero, and I. Mori, Auditors of Tournon, on the 13th of December, 1912, judged that: Negatively. An appeal was interposed against the judgment.

XXIV. LAUSANBN. AND GENEVEN. – Defamation. The questions proposed: 1) Does it appear that there was defamation on the part of NN. against XX., 2) Does it appear that there was defamation on the part of XX. against NN. in this case? Reverend Monsignor Lega, Dean, and the Most Reverend Fathers, Doctors I. Alberti and P. Rossetti, Auditors of Tournon, on the 30th of December, 1912, judged that: Affirmatively, with respect to the first question; negatively, with respect to the second. An appeal was interposed against the judgment.

Rome, from the Chancery of the Holy Roman Rota, on the 25th of February, 1913. Reverend Father Tancredes Tani, Notary.

[*Latin ed. p. 86*]

86 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On February 25, 1913, before the Most Eminent and Reverend Cardinal Domenico Ferrata, Promoter of the Cause of Beatification and Canonization of the Venerable John Martin Moye, priest of the Society of Foreign Missions, founder of the Sisters of Divine Providence, the Preparatory Congregation of Sacred Rites was held, in which the doubt concerning the heroism of the virtues exercised by the aforementioned Venerable Servant of God was discussed by the Reverend Prelates and Theological Consultors.

SACRED PENITENTIARY. NOTICE OF COMPETITION. It is hereby notified that in the Sacred Tribunal of the Apostolic Penitentiary, a competition will be held for a position of Official, through oral and written examination. The written examination will take place on March 31st of the coming year at 8 o'clock, and the oral examination on April 1st at 9 o'clock. Priests who wish to participate must, no later than March 29th,

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present their application, accompanied by the necessary qualifications for admission, to the Secretariat of said Sacred Tribunal.

From the Secretariat of the Holy Penitentiary, February 26, 1913.

o C. Perosi, Regent.

SECRETARY OF STATE. APPOINTMENTS. By Letters of the Secretariat of State, the Holy Father has deigned to appoint:

February 16, 1913. — The Most Eminent Cardinal Diomede Falconio, Protector of the Dominican Tertiary Sisters of Saint Martha of Sprìngis, in Shepard, in the United States of America.

[*Latin ed. p. 87*]

Diarium Romanae Curiae. 87, February 19, 1913. — The Most Reverend Cardinal Basilio Pompilj, Protector of the Sanctuary of Canoscio, in the diocese of Città di Castello. February 26. — Monsignor Domenico Mannaj oli, titular Bishop of Pomario, Consultor of the Sacred Congregation of the Index. — Monsignor Giovanni Prior, Auditor of the Holy Roman Rota, Consultor of the same Sacred Congregation. — The Reverend Father Ubaldo Mannucci, Consultor of the same Sacred Congregation. — The Reverend Father Ildebrando Hopfl, O.S.B., Consultor of the same Sacred Congregation. By Apostolic Briefs, the Holy Father deigned to appoint: Assistant at the Papal Throne: February 20, 1913. — Monsignor Giovanni Oberti, Bishop of Saluzzo. Domestic Prelates of His Holiness: February 14, 1913. — The Reverend Francesco O'Brien, of the diocese of Detroit. February 15: — Monsignor Giorgio Galcsek, archdeacon of the Cathedral of Vacz. February 20. — The Reverend Canon Giovanni Kukanié, of the diocese of Segna. February 22. — The Reverend Archpriest Agostino Giovanni Froment, vicar general of the diocese of Aire. By Letters from the Secretariat of State, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: February 18, 1913. — Monsignor Angelo Petrelli, archpriest of Arnesano in the diocese of Lecce. — Monsignor Oronzo Durante, archpriest of Melendugno in the same diocese. Honorary Chamberlains in purple of His Holiness: February 9, 1913. — Monsignor Giovanni Prosswitz, of the diocese of Brünn, February 20. — Monsignor Quirico Valli, of the diocese of Como. — Monsignor Pietro Catelli, of the same diocese. — Monsignor Pietro Uboldi, of the same diocese. Extraordinary Secret Chamberlain of Sword and Cape of His Holiness: February 22, 1913. — Baron Carlo Maria von Elverfeldt, of the diocese of Münster.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis. - Official Commentary. HONORS. By Apostolic Brief, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great: January 28, 1913. – To the Most Noble Prince Ferdinand Sidonius of Lobkowicz, Duke of Raudnitz, in the archdiocese of Prague. The Commander's Cross of the Order of

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Saint Gregory the Great, civil class: January 14, 1913. – To the Reverend Professor Augusto Milani, Consistorial Advocate. February 11. – To the Reverend Francesco Bujak, Counselor of the Court, of the diocese of Cracow. The Knight's Cross of the Order of Saint Gregory the Great, civil class: February 1, 1913. – To the Reverend Doctor Bernardo Reuter, German Consul in Mozambique. February 7. – To the Reverend Maurizio Bernard, of the archdiocese of Cambrai. February 8. – To the Reverend Doctor Giuseppe Domenico Bécigneul, of the diocese of Nantes. – To the Reverend Doctor Luigi Edoardo Poisson, of the same diocese. – To the Reverend Advocate Alberto Reneaume, of the same diocese. The Knight's Cross of the Order of Saint Sylvester: January 31, 1913. – To the Reverend Filippo Rinaldini, Assistant in the Office of Accounting of the Sacred Congregation. February 10. – To the Reverend Antonio Dulieux, of the archdiocese of Cambrai. NECROLOGY. January 24, 1913. – The Most Reverend Francesco Valdes y Noriega, Bishop of Salamanca. February 17. – The Most Reverend Ignazio Monterisi, Bishop of Marsico and Potenza. February 24. – The Most Reverend Giovanni Battista Rota, Bishop of Lodi.

[*Latin ed. p. 89*]

Year V. - Volume V. March 18, 1913. No. 4. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. A UNIVERSAL LETTER IS ISSUED BY THE APOSTOLIC SEE. THE JUBILEE IN COMMEMORATION OF THE PEACE GRANTED TO THE CHURCH BY CONSTANTINE THE GREAT. PIUS PP. X. To all the faithful Christians who shall read these Our letters, We offer greetings and the Apostolic Blessing. — The commemoration of great and fortunate events, by which peace was finally granted to the Church sixteen centuries ago, fills all the Catholic nations with the greatest joy, and incites them to works of piety. This moves Us above all to open the treasures of heavenly gifts, so that abundant fruits may be gathered from this solemnity through the Lord. It seems fitting and proper, therefore, to celebrate the Edict promulgated by Emperor Constantine the Great in Mediolani, which followed closely the victory over Maxentius, achieved with the glorious banner of the Cross, and which brought an end to the cruel persecutions against Christians, vindicating them in that liberty for which the blood of the Divine Redeemer and the Martyrs was the price. From that time onward, the Church, engaged in warfare, achieved its first triumph over those who, in every age, constantly assail it, and from that day forward, it has always contributed greater benefits to human society. For men, gradually abandoning the superstitious worship of idols, then embraced the Christian way of life, both in laws, in morals, and in institutions, and it came to pass that justice, along with...

[*Latin ed. p. 90*]

90 Acta Apostolicae Sedis. - Official Commentary. That charity might

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flourish on earth. Therefore, we deem it fitting, on this happy occasion when so excellent a deed is commemorated, to implore God, the Virgin, His Mother, and the other celestial beings, especially the Apostles, again and again, that the peoples of the entire world, restoring the splendor and honor of the Church, may flee to the bosom of this most venerable Mother, that they may, with all their strength, dispel the errors with which the enemies of the faith, heedlessly, strive to obscure her glory, that they may honor the Roman Pontiff with the utmost reverence, and that, finally, with a confident spirit, they may look to the Catholic religion as the safeguard and foundation of all things. Then it will be permissible to hope that, with men once again fixing their eyes on the Cross, in this salutary sign, both the enemies of the Christian name will be vanquished, and the unrestrained desires of the heart will be completely subdued. But that these humble prayers, to be offered in the Catholic world during this secular solemnity, may more abundantly enrich the spiritual well-being of the faithful, we have decided to enrich them with a Plenary Indulgence, in the form of a Jubilee, earnestly exhorting all the children of the Church to join their supplications and acts of piety to ours, and to make the fullest use of this Jubilee granted to them, both for the benefit of their souls and for the advantage of religion. Wherefore, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, and by that power of binding and loosing which has been divinely granted to Us, and after having heard the Most Reverend Fathers, Cardinals, Inquisitors General of the Holy Roman Church, by the present document We grant and bestow upon all and each Christian of both sexes, whether residing in this our beloved City, or coming to it, that from the Sunday in Albis, from which the secular solemnities begin in memory of the peace of the Church, until the feast of the Immaculate Conception of the Virgin Mary, inclusive, they may visit the Basilicas of St. John Lateran, of St. Peter, Prince of the Apostles, and of St. Paul outside the walls, twice each, and there, for some time, pour forth prayers to God, according to Our wishes, for the prosperity and exaltation of the Catholic Church and of this Apostolic See, for the eradication of heresies, and for the conversion of all the erring, for the concord of Christian princes, and for the peace and unity of the entire faithful people, and that once within this time period, having duly performed the prescribed acts, they may refresh themselves with the heavenly sacrament, and moreover, they may offer alms, according to their ability, to the poor, or, if they prefer, to pious causes, We grant and bestow a Plenary Indulgence for all sins, as in the case of a general Jubilee.

[*Latin ed. p. 91*]

Acta Pii PP. X. 91. To those who are unable to come to Rome, We grant the same Plenary Indulgence, provided that they visit their local church or churches, designated only once by the Ordinary, at least six times within

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the prescribed period, and faithfully perform the other works of piety which We have mentioned above. Furthermore, We grant permission that this Plenary Indulgence may also be applied, as a form of suffrage, to the souls who, united with God in charity, have departed from this life. We also grant that those who are traveling by sea or land, upon returning to their homes or to a certain destination, after having performed the aforementioned works, and having visited the cathedral church or the largest or parish church of their domicile or station six times, may lawfully obtain the same Indulgence. To religious persons of both sexes, even those who perpetually reside in monasteries, as well as to all others, whether lay or ecclesiastical, secular or regular, who are in prison or captivity, or who are afflicted by some bodily infirmity, or by any other impediment, and who are unable to perform the aforementioned works, or some of them, We also grant and permit that the confessor may, in their case, substitute other works of piety, or postpone them to a later time, and may prescribe what the penitents are able to accomplish, with the further faculty of dispensing with regard to Communion for children who have not yet been admitted to it. Moreover, We grant to all and each of the Christian faithful, both lay and ecclesiastical, of any Order and Institute, even those specially named, the faculty to choose any secular or regular priest as their confessor, provided that he has been approved for this purpose, and it is permissible for this faculty to be used even by nuns, novices, and other women residing within the cloister, provided that the approved confessor is suitable for nuns. Such a confessor, when those who come to him for confession within the prescribed time, with a sincere intention of obtaining the Jubilee, and of fulfilling the other works necessary for obtaining it, shall, in this instance and in the forum of conscience alone, absolve them from excommunication, suspension, and all other ecclesiastical sentences and censures, whether imposed by law or by human authority, even by the Ordinaries of the places and by Ourselves, or by the Apostolic See, even in any case whatsoever, and to the Supreme Pontiff and the Apostolic See, a special faculty is granted, and those things which would otherwise not be understood to have been granted, even in the most ample concessions, are also hereby granted, and to all.

[*Latin ed. p. 92*]

Acts of the Apostolic See. - Official Commentary. Concerning sins and excesses, however grave and enormous they may be, even those reserved to the Ordinaries, to Us, and to the Apostolic See, as is customary, after salutary penance has been prescribed to them, along with other things that are legally prescribed, and if heresy is involved, after they have first abjured and retracted their errors, as is fitting, they may be absolved; and also, any vows whatsoever, even those sworn and reserved to the Apostolic See (except always for those of chastity, religion, and obligations accepted

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from a third party, or in which the prejudice of a third party is involved, and also for those which are called penal, unless a future commutation is judged to be such that it restrains from sin no less than the original matter of the vow), may be changed into other pious and salutary works, and We can and may grant dispensations to penitents of this kind in the sacred Orders established, even in regular orders, concerning hidden irregularities contracted only for the exercise of those same Orders, and for the attainment of the superiors, and only to that extent. However, We do not intend by these present decrees to grant dispensations concerning any other irregularity, whether arising from fault or from defect, or public or hidden, or known, or from any other incapacity or inability in any way contracted, nor to grant any faculty concerning the aforementioned dispensations, or habilitations, or restorations to the former state, even in the forum of conscience; nor do We intend to derogate from the Constitution with appended declarations issued by the blessed Pope Benedict XIV, Our predecessor, which begins "Sacramentum Poenitentiae"; nor finally, to allow those who have been expressly excommunicated, suspended, interdicted, or declared to be subject to other sentences and censures, or publicly denounced by Us, or by the Apostolic See, or by any Prelate or ecclesiastical judge, in any way to vote or be obligated to vote, unless they have satisfied the aforementioned requirements within the prescribed time, and have agreed with the parties, where it is necessary. If, however, they are not able to satisfy, within the aforementioned term, according to the judgment of the Confessor, We grant that they may be absolved in the forum of conscience, solely for the purpose of obtaining the Indulgences of the Jubilee, with the obligation of satisfying as soon as they are able. Therefore, by virtue of holy obedience, by the tenor of these present decrees, We strictly command and order all Ordinaries of places wherever they may exist, and their Vicars and Officials, or, if they are lacking, those who exercise the care of souls, that when they have received copies of these present letters, either transmitted or printed, they publish them throughout their churches and dioceses, provinces, cities, lands, and places.

[*Latin ed. p. 93*]

The Acts of Pope Pius X, or those that are to be made public, and concerning the visitation of churches, or churches, as mentioned above, after the people have been duly prepared for the preaching of the Word of God, as far as possible, shall be designated – Notwithstanding the Constitutions and Apostolic Ordinances, especially those in which the power to grant indulgences in certain cases expressly mentioned is reserved to the Roman Pontiff for the time being, so that neither similar nor dissimilar concessions of indulgences and faculties of this kind can be granted to anyone, unless express mention or a special derogation is made of them; nor also the rule concerning the granting of indulgences in imitation of,

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and of any Orders, and Congregations or Institutes, even those strengthened by oath, Apostolic confirmation, or any other form of validity, and of privileges, indulgences, and Apostolic Letters granted to those Orders, Congregations, and Institutes, and to their persons in any way, approved and renewed; concerning all and each of these, even if there was not a special, specific, express, and individual mention or other expression of their content, but rather by general clauses, the same being important, these contents are to be considered sufficiently expressed in the present document, and the form contained therein is to be considered observed; in this instance, we expressly and specifically derogate from these, and from any other contrary provisions whatsoever. Finally, in order that these present documents, which cannot be brought to each individual place, may more easily come to the knowledge of all, we decree that, with the transcription of these, or even printed copies, signed by the hand of a public Notary, and sealed with the seal of a person in an ecclesiastical office, the same full faith shall be given everywhere in places and nations as would be given to the present documents themselves, if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the eighth day of March, in the year 1909, in the tenth year of Our Pontificate. By special mandate of the Most Reverend Cardinal Merry del Val, Prefect of the Secretariate of State.

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION CONSISTORIAL. His Holiness Pope Pius X, by decree of this Sacred Consistorial Congregation of December 10, 1912, decreed that two new episcopal sees be added, to be called Camagüey and Matanzas, to be separated from the dioceses of St. James of Cuba and St. Christopher of Havana – on the island of Cuba – and to be established within the limits of the civil provinces of Camagüey and Matanzas, as they are presently defined, and that these be constituted as suffragan sees of the Archbishop of St. James of Cuba. II. ALTERATION OF BOUNDARIES. Furthermore, by decree of January 25, 1913, His Holiness decreed that the cities of Hohenfelden, Lichtenhain, and Mosen, with their territories, be added to the diocese of Fulda, and, conversely, the cities of Kranichfeld, Stedten, and Kostitz, together with their adjacent territories, be added to the diocese of Würzburg, so that henceforth the Bishop of Fulda shall exercise his jurisdiction over the entire Grand Duchy of Saxe-Weimar, while the Bishop of Würzburg shall exercise his jurisdiction over the entire Duchy of Saxe-Meiningen. III. ESTABLISHMENT OF A GENERAL VICARIATE IN THE CITY OF LILLE. Likewise, by decree of February 5, 1913, His Holiness established a general vicariate in the city of Lille, whose titular, under the immediate jurisdiction of the Archbishop of Cambray, can exercise ordinary jurisdiction over the other general vicars in that part of the diocese of

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Cambray which includes the districts of Lille, Hazebrouck, and Dunkerque, commonly called arrondissements. Furthermore, His Holiness granted the general vicar of Lille the title of episcopal dignity, and established him as an Auxiliary to the Archbishop of Cambray for the entire region within the jurisdiction entrusted to him as general vicar.

[*Latin ed. p. 95*]

Sacred Congregation of the Council. 95 IV. ERECTION OF A NEW ECCLESIASTICAL PROVINCE. Finally, by decree of February 11, 1913, His Holiness withdrew the suffragan diocese of St. Savior from the metropolitan jurisdiction of the Archdiocese of Guatemala; and the entire territory pertaining to the aforementioned diocese of St. Savior and to the Republic of the same name was divided into three parts, in the central part of which the diocese of St. Savior was enclosed; in the eastern part, the diocese of St. Michael was established; and, finally, in the western part, the diocese of St. Anne was established, with the following boundaries: The diocese of St. Savior is bordered on the north by the diocese of Comayagua, or the Republic of Honduras; on the east by the river commonly called Lempa, or the new diocese of St. Michael; on the south by the Ocean called the Pacific; and on the west by the new diocese of St. Anne, so that henceforth it includes only these seven civil provinces, namely San Vicente, Cabanas, La Paz, Guscatlán, Chalatenango, San Salvador, and La Libertad. The diocese of St. Michael, on the other hand, is bordered on the north by the diocese of Comayagua, or the Republic of Honduras; on the east by the same Republic of Honduras and the bay commonly called Fonseca; on the south by the Ocean called the Pacific; and on the west by the river Lempa, or the diocese of St. Savior, so that it includes four civil provinces which are called San Miguel, La Unión, Morazán, and Usulután. Finally, the diocese of St. Anne is bordered on the north by the diocese of Comayagua, or the Republic of Honduras; on the east by the diocese of St. Savior; on the south by the Pacific Ocean; and on the west by the Archdiocese of Guatemala, so that within its boundaries it contains three civil provinces called Santa Ana, Ahuachapán, and Sonsonate. Furthermore, the diocese of St. Savior was established as a metropolitan see, and the dioceses of St. Michael and St. Anne were made suffragan dioceses subject to it. V. PROVISION FOR CHURCHES. By subsequent decrees of the Sacred Congregation of the Council, the Most Holy Pope Pius PP. X provided for the following churches, namely: January 7, 1913. — The cathedral church of Nueva Segovia was assigned to the Reverend Peter Joseph Hürth, formerly the titular bishop of Mylopotamos.

[*Latin ed. p. 96*]

Acta Apostolicae Sedis. - Official Commentary. January 8, 1913. — To the titular church of Thas, the Reverend Emeric Bjelik, military vicar and

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canon of the cathedral church of Magnovaria of the Latin rite in Hungary. January 10. — To the cathedral church of Aguascalientes, the Reverend Monsignor Ignatius Valdespino y Diaz, formerly Bishop of Sonora. January 18. — To the cathedral church of Elphin, the Reverend Bernard Coyne, parish priest of the place commonly called Boyle and canon theologian of Elphin. January 27. — To the cathedral church of Carolinopolis, the Reverend Henry O' Leary, parish priest of the place commonly called Bathurst in the diocese of Chatham. January 7. — To the cathedral church of Kearney, the Reverend James Albert Duffy, rector of the cathedral church of Cheyenne and chancellor of the episcopal curia of that diocese. February 14. — To the titular church of Miletopolis, the Reverend Alexis Charost, canon of the metropolitan church of Rennes, and there general vicar, whom the Most Reverend Archbishop of Cambray appointed as his auxiliary for the general vicariate of Lille, by decree of this Sacred Congregation on February 5 of the current year. February 17. — To the cathedral church of Piahun, the Reverend Quintinus Rodrigues de Oliveira e Silva, a priest of the diocese of Fortaleza, there parish priest of the place commonly called Grato.

DECREE CONCERNING THE PRIVILEGE OF RECITING THE DIVINE OFFICE ACCORDING TO THE OLD PSALTER, IN ACCORDANCE WITH THE ANCIENT PSALTER. By the apostolic constitution *Divino afflatu*, concerning the new arrangement of the Psalter in the Roman Breviary, many of those who are obligated to recite the canonical hours, for particular reasons, have obtained a pontifical indult to retain the old order of the Psalter, for the recitation of their own hours. Now, since a doubt has arisen as to whether those who have obtained such an indult may freely follow either order of the Psalter, using either the old method or the new,

[*Latin ed. p. 97*]

97. The Roman Rota, considering the convenience of each individual, this Holy Congregation of the Council, by special mandate of the Most Holy Lord Pope Pius, through Divine Providence, Pope Pius X, declares and decrees that it is not permitted, but all and each, of whatever rank, condition, and dignity, who have obtained, as stated above, the dispensation, if they wish to make use of it, must, whenever they privately recite the Divine Office, recite all the Psalms and the other portions as they are distributed in the Roman Breviary, published by St. Pius V, and revised by Clement VIII, Urban VIII, and Leo XIII, always observing the daily new order or calendar, according to the aforementioned Apostolic Constitution and the rules or rubrics attached to it, as prescribed for the diocese, chapter, or clergy to which each person belongs, and with a firm abolition of the general dispensation granted on July 5, 1883, for votive Offices; notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the Holy Council, on March 10, 1913. C. CARD. GENNARI, Prefect. O.

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Giorgi, Secretary.

ROMAN. STIPENDS. During the happy reign of Pope Pius X, in the tenth year of his Pontificate, on January 13, 1913, the Most Reverend Fathers, Doctors Francis Heiner, Ponens, John Prior, and Joseph Mori, Auditors of Tournon, in the case of the Roman Stipends, concerning the professors of the suppressed "Angelo Mai" School, represented by the advocates Henric Kambo and Christopher Astorri, against the Administration of the goods of the Apostolic See, represented by the advocates Charles and Julius Patriarca, after hearing the arguments of the Promoter of Justice, rendered the following final judgment. In the year 1870, with the temporal sovereignty of the Roman Pontiffs overthrown, and almost all the schools in the City transferred to the new civil authorities, some pious Roman citizens founded...

[*Latin ed. p. 98*]

98 Acta Apostolicae Sedis. - Official Commentary. Three private institutions, among which was one under the name "Angelo Mai," were dedicated to the education of youth in the Christian spirit. These were associated with the archgymnasium at S. Maria de Pace under the pontificate of Leo XIII. However, since the founders were unable to sustain the expenses required for such institutions, Leo XIII decreed that the Holy See should take them under its care, establishing a council of expert men to administer these schools, and designating an annual sum of money to be paid from the papal treasury for their support. As time passed, the number of students at the "Angelo Mai" school decreased for various reasons, while expenses continued to increase. Consequently, the Supreme Pontiff, Pius X, by his decree dated June 1, 1909, decided that the "Angelo Mai" institution should be suppressed, and provision was made for the professors by assigning them a pension corresponding to the years of service rendered, amounting to one-fortieth of their annual salary for each year. However, the professors argued that they had been assured of the stability of their positions, since their office was inherently stable, and that the declarations and promises of their superiors had undoubtedly convinced them of this. Therefore, they demanded not a pension, but their full salary, declaring themselves willing to continue to perform their duties under the same conditions. The question was therefore referred to a pontifical commission, H. S. T., and discussed on July 25, 1911, under the form of a query: "Does it follow that those who are justly claiming something are entitled to demand their full salary, without excluding the obligation of those claiming something to provide their services under the aforementioned conditions?" The Reverend Fathers, the Auditors, considered that the question concerning the proposed doubt should be answered: "It does not follow that those who are justly claiming something are entitled to demand their full salary in this case," or: "Negatively, or it does not follow." After an appeal was lodged against this decision, the question was again discussed in a second instance,

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under the doubt: "Should the total judgment be confirmed or rejected in this case?" The first question in this case concerns the legal status of the "Angelo Mai" schools, which, although originally established by private individuals, were, at the moment they were taken over by the Holy See, directed and administered by the Holy See in one way or another, and were in its property, both with regard to the school property and with regard to the free power to suppress them as well. Therefore, the question is asked whether these schools, as the plaintiffs claim, can rightly be said to have been founded by the Holy See and should be considered as public schools of the Church. However, it cannot be inferred from the fact that these schools bore a papal name that they were necessarily stable, just as the Holy See, the Church of Christ, is stable, which is de-

[*Latin ed. p. 99*]

The Roman Rota. Ninety-nine cases are pending. Although these schools have been legitimately called pontifical, they must nevertheless be considered among the private or paternal schools, as they were called by the Professors themselves in the report submitted to RmoP. Nespoli in 1904, which states: "The 'Angelo Mai' Institute arose from the union of the 'paternal' schools and the Archgymnasium of the Peace. The paternal schools were founded in the year 1870, when the Italian government took the Roman College from the Jesuits. Some of the Professors who began to teach in that year still teach in our Institute... Pope Leo XIII took a great interest in our institute. He established an annual grant to pay the Professors, the rent, the employees, and to found a library and a cabinet." Indeed, schools of this kind, even though they are, in a broad sense, proper to the Church, can nevertheless be called private, but not in a strict or legal sense, as explained by Cardinal Cavagnis (Inst. Iur. pont. eccl., vol. III, l. 4, ed. 4, n. 92): "In the broad sense, schools are considered proper when they are established with their own funds, but while observing the provisions of civil law, both with regard to the subjects taught and with regard to the scholastic discipline and the qualifications of those teaching and administering, as are the private schools among us, but regulated by laws." In the same sense, Father Wernz teaches (Ius decret., ed. % t. III, p. 1, n. 74) that such schools, although perhaps expressly approved by public authority, and although they may be equal to public schools in terms of privileges and civil or canonical effects, remain private schools, based on their origin or efficient cause. Therefore, the schools in question are truly private, regulated by the civil laws of the Kingdom of Italy, and their nature and legal status have not been changed when they became proper to the Holy See, or to the Pontificate; only the institution has changed, but the same institution remains. There is no official act that has transformed or promoted the "Angelo Mai" schools into a public nature. While the Promoter of Justice, and the patrons of the proceedings, maintain that the "Angelo Mai" Institute

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was a public school, because they considered it proper to the Church or the Pontiff, this matter must be examined more carefully. The Promoter of Justice argues against the arguments presented in the judgment of the first instance: that the Church has a special, although not exclusive, right to establish a school, even for lay people, which is, by its very nature, public and therefore perpetual. Therefore, it should at least be presumed that the Professors were called to that school permanently and were assigned to the task of teaching there. And this presumption is sufficient in itself to prove the stability of the office and the good right of the plaintiffs to receive the full salary.

[*Latin ed. p. 100*]

100 Acta Apostolicae Sedis. - Official Commentary. It cannot be doubted that the Church possesses a special, although not exclusive, right to establish schools for laypersons, provided that this right is affirmed in the allocution of Pius IX on November 1, 1850, in the Consistorial Congregation, and on September 5, 1851, in his letter to the Bishop of Friburgensem, as well as on July 14, 1864; and it is confirmed in the propositions of the Syllabus condemned as numbers 4, 5, 47, and 48. This doctrine is excellently explained by the Most Reverend Gavagnis in the aforementioned *Institutiones Iuris Ecclesiastici*, volume 1, especially in numbers 89, 117, 118, and 119. For although the primary purpose of a school for laypersons is the temporal good of the citizens, and the religious purpose is only a secondary one (Gavagnis, *loc. cit.*, numbers 89, 116, 118, 119), nevertheless even that primary purpose in some way benefits the Church, namely, with respect to the common good of charity. The author explains this in the same way, *loc. cit.*, number 119: "We have said that schools both promote the spiritual good secondarily, and the temporal good primarily, of those who learn and of Christian society, and therefore constitute an object that is at least within the purview of the Church, with respect to the common good of charity. Moreover, it is especially incumbent upon the Church to promote those things which relate to the charity of one's neighbor in the temporal order. But the influence of schools on the spiritual good is not insignificant; therefore, schools not only constitute a means by which the Church can act, but one that deserves the special attention of the Church." This special right to establish schools for laypersons was not lost by the Supreme Pontiff after the overthrow of his civil authority in 1870, although he was restricted by italica law within the limits granted to any private citizen. Although the schools of the Holy See, existing in the City after 1870, could be publicly designated, they nevertheless lacked those elements of stability which they had possessed in the schools of the Holy See in the preceding period. Whether a school is permanent or stable depends, rather, on the exercise of the right, than on the right itself considered in isolation. The exercise of a right is an act, which depends on the actual circumstances and conditions.

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It must be considered whether, considering all the circumstances, it was expedient to establish schools of this kind? What necessity existed? Were there sufficient financial resources? Could the purpose be achieved in a less expensive way? What results were to be expected, etc.? The answer to these questions must be entirely different for the period following the loss of the civil authority of the Pontiffs, and different for the preceding period. In the former period, the Supreme Pontiff, as head of the civil society, was obligated to provide that the citizens should not lack proper institutions; but, after the civil authority of the Pontiffs was overthrown, what was primarily concerned in the case of schools for laypersons was not the primary purpose or the temporal good of the citizens, but the secondary purpose or the institution itself.

[*Latin ed. p. 101*]

5. The Roman Rota. One hundred and one religious students. To achieve this goal, other means were lacking besides the establishment of its own schools, which is certainly an effective method, but due to the enormous expenses required, and considering the limited poverty of the Holy See, it could not generally be implemented. Furthermore, during the first period of the administration of these schools, which were subject to the civil authority, they were fully subordinate to the Pope, regarding the curriculum of instruction, discipline, the standards of examinations, etc. In the second period, however, the Holy See could not exercise its rights except within the limits of the common law granted to a private citizen by Italian law (cf. Card. Cavagnis, op. cit., n. 107). In addition to these difficulties, which private citizens did not have to endure, schools dependent on ecclesiastical authority were subject to unfair administration under the law. This fact is attested to by His Holiness Pope Leo XIII in his letter to the Cardinal Vicar of March 25, 1879, in which, at that very time, the Holy See undertook to support and administer the "Angelo Mai" Institute. The Pope writes: "While such extensive 'freedom' is granted to heterodox schools, through indirect but highly effective means, attempts are made to hinder the development and growth of Catholic schools. There is no lack of sinister insinuations against them, nor of special rigors, nor of threats to deter parents from entrusting their children to sincerely Christian teachers." Moreover, during the first period, the Supreme Pontiff, as a civil prince, could demand taxes from the subjects of the pontifical jurisdiction, for the benefit of which schools were previously established, to cover their expenses; in the new state of affairs, the funds for this purpose had to be drawn from a very limited patrimony, constituted by the offerings of the faithful of the entire Church, which now must serve the entire supreme administration of the Church in the City and throughout the world. Finally, what results could be expected from these strictly pontifical schools, in which, of course, all expenses, especially the salaries of the professors, were to be paid by the

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Holy See? Indeed, if considered intensively, the results were quite good; but if considered extensively, as is necessary, they were very small: for very few of the thousands of Catholic children growing up in the City could attend these pontifical schools. Therefore, the historical facts, in which the rights of the Pope were exercised, show that the condition of its schools was entirely different at the time when it possessed civil power, and at the time after that power was lost. And although the schools for lay people existing in the second period were public, since they were supported by the pontifical treasury and directly dependent on the authority of the Pope, yet, given the circumstances previously explained, they were precarious and unstable. From this instability, the schools...

[*Latin ed. p. 102*]

102 Acta Apostolicae Sedis. - Official Commentary. "Angelo Mai" is considered a very serious presumption of the instability of the office of Professors teaching in the same institution. From the above observations, it follows that even the argument derived from equality, presented by the Promoter of Justice, is also false, which claims that the same presumption arises in favor of the Professors due to the Constitution of Leo XIII, *Quod divina Sapientia circa studia regenda in pontificia ditione*, where a certain stability is granted to Professors, while equality with respect to the stability of the schools themselves is completely lacking in the new order of things, especially because the schools in this other historical period were no longer, in fact, dependent on the civil authority of the Pontiff, whose primary object, as it once was, was to care for these schools and to collect taxes for that purpose from the subjects. And for the same reasons, there is no such presumption based on the fact that the school "Angelo Mai" was subject to the jurisdiction of the Sacred Congregation of Studies. Similarly, there is no doubt that the Professors are not included in the Constitution *Sapienti consilio* of Pius X, dated June 29, 1908, because this document, among the common rules regarding salaries, n. 5, states: "The grades and salaries established for the administrators of their offices will remain *in vigore*, even if those offices, due to the new organization of the Roman Curia, have completely ceased to exist, or have undergone a complete change in nature." Therefore, the rules refer in no way to Professors, but exclusively to the Roman Curia, or the Congregations, Tribunals, and Offices that constitute the Curia, and therefore to officials attached to that Curia. Nor can Professors be included among the other officials attached to the Holy See, because these officials derive their legal status from laws or decrees specific to them, such as the officials in charge of the Vatican Palace, the Museums, etc. Hence, even the Promoter of Justice, in his final observations, n. 17, admits: "It must be conceded that the actors do not belong to the Roman Curia, nor to the palace or the pontifical museums, so that they cannot resolve the issue, as indicated by the article of the Con-

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stitution *Sapienti consilio* or other laws, if any." Indeed, the actors could be included in the number of administrators of the Holy See, insofar as they worked in pontifical schools, if these schools were truly public. But, as has been demonstrated above, these schools were merely private, so that, consequently, their Professors can only claim certain rights against the Holy See, which is bound by private agreements, and they can rightfully claim the stability of their office if it is included, either implicitly or explicitly, in those agreements. Given the presumption against the stability of the Professors' office, it is incumbent upon them to provide clear and certain declarations from the Holy See that overcome this presumption that is adverse to them, and that demonstrate that the stability of their office was granted by the Holy See. Now, from the documents, it is not...

[*Latin ed. p. 103*]

The Roman Rota has established that the Holy See promised Professors stability of office, but rather, it is established that the Holy See has repeatedly declared that it does not wish to, and cannot, be obligated towards Professors regarding the payment of pensions, and has always denied any intention of assuming any stable obligation. The first witness is Natalucci, who, recalling the merits of the Professors for the Holy See and for the civil republic, states that there must be "discouragement that must necessarily arise in those who belong to it, from the precariousness of their employment." And from this, he concludes: "That the 'directing council' must support, within reasonable limits, 'the request promoted by them to the Holy Father,' namely, obtaining a jubilee, or at least a pension." Then he adds: "But it is unfortunately necessary to reflect that, recognizing the stability of the Professors and their right to obtain a pension, the Holy See could find itself exposed to paying significant sums without any direct and immediate advantage." Finally, Natalucci advised the Holy See to recognize the stability of the office, but that the recognition of the stability of the employment and the right to a pension should be subject to the condition that "the circumstances of the times and the conditions of the Holy See will allow it." But the Holy See refused to recognize the stability of the office, and, since it does not recognize the right to a jubilee or a pension, it promises to provide assistance to Professors under certain conditions and with the express caveat stated in article 10 of the text of the "Regulations," namely, that "the aforementioned regulations shall, at no time or under any pretext, attribute any legal right in favor of those assisted." Furthermore, in article 3, any stability of either schools or offices is implicitly rejected. Indeed, from these things it follows: a) That the Holy See could not have more clearly demonstrated its firm intention not to assume any stable obligation; that until the year 1890, the stability of the office had not been recognized by the Holy See; b) That, therefore, the Professors requested the Holy See to grant them, as a favor, a jubilee or a pension, if at any time they should

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provide their services in said schools; c) That the Professors requested a jubilee, or at least a pension, because the recognition and granting of such a right was equivalent to the recognition and granting of the stability of the office; and yet, the Holy See granted only assistance, and completely prohibited the use of the word "pension" in the aforementioned Decree; d) That the Holy See has clearly demonstrated to the Professors this manner of acting, clearly demonstrating the intention of the Holy See not to assume any stable obligation towards them.

[*Latin ed. p. 104*]

104 Acta Apostolicae Sedis, – Commentarium Officiale. Attamen, actores negant, et per depositiones plurium testium probant, se decretum illud anni 1890 de pensionibus ignorasse, et praesertim art. 3 praevenientem suppressionem Instituti; ergo, Professores, cum Institutum concessum esset PP. Barnabitis, pollicitationes et declarationes factae fuisse, ordinatas et aptas etiam ad suadendum eisdem stabilitatem sui officii.

Iamvero, ad primum quod attinet, dicendum est, quod constat ex actis, etsi non omnes Professores, tamen plures ex ipsis cognovisse controversum decretum. « Credo – ita testis Mancini – « che privatamente « fu communicato a qualche professore, perchè se ne parlava ». Sed, etiamsi decretum illud de pensionibus omnibus Professoribus ignotum fuisset, nihil exinde sequeretur ad demonstrandam rem Professorum. Nam non agitur de aliquo decreto iudiciali, quod, nisi legitime communicetur vel intimetur, omni vi caret. Professores nempe petierunt ex gratia a S. Sede pensiones, sed S. Sedes censuit se non posse obligari in id quod petebatur. Promisit tamen subsidia, et quidem non absolute, sed: « sino a che le condizioni economiche della S. Sede lo permettono ». Hinc, decreto anni 1890 approbatae sunt nonnullae normae « alle quali il Consiglio direttivo dovrà attenersi nel sussidiare i Professori », normas quas S. Sedes non voluit publicare, ne Professores in illis nimis fiderent. Quapropter, poterant Professores instantius petere a S. Sede, ut controversum decretum eisdem denunciaretur, ut tandem aliquando aperte cognoscerent, quaenam sors ipsos maneret, an fuisset eorum sorti congrua securitate consultum.

Sed contra, Professores nihil agunt, et innixi non conventioni, non certae legi aut decreto, sed praesumptioni – « erano tutti fiduciosi che in qualche modo si sarebbe « loro provveduto », – retinunt uti inamovibiles, stabili officio provisos, vel saltem integra pensione donandos, si Institutum deficeret. Haec fides et securitas animorum, in aliquo aspectu, redundat in laudem Professorum et ipsius S. Sedis, sed non praestat fundamentum actioni iuridicae. Sola praesumptio hominis non valet in iudicio, etsi sit gravis vel gravissima, in rebus, in quibus agitur de petitis oneribus ab alio praestandis, quamvis uti indicium possit producere semiplenam probationem, nam iudex procedere debet iuxta acta et probata, ut notissimum est in iure.

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Sed notant Professores, quod ipsorum fides et securitas, aliquando, fovebantur ex pollicitationibus et declarationibus sibi factis cum Institutum concessum esset PP. Barnabitis. Etenim, tales declarationes factae essent, quae omnino suadebant eisdem stabilitatem sui officii. Et sane, testes Tuccimei, Persiani, Seganti, Bersichetti, Mencacci, etc.

[*Latin ed. p. 105*]

105 The Roman Rota asserts that all had a certain conviction regarding the stability of the office, which wavered somewhat when the schools were entrusted to the Barnabites; but that all doubt was completely removed by His Eminence Satolli, Prefect of the Holy Congregation of Studies, and the Reverend Monsignor Dandini, from the secretariate of the same Congregation. Indeed, Charles Santucci, on behalf of the Professors, inquired about this matter from His Eminence Satolli, and received this response: "Tell these Professors: they trembled with fear where there was no fear." "What, in the course of my conversation," the witness Santucci states, "had for me the meaning that it had already been considered to safeguard the interests of the old Professors. However, His Eminence did not wish to go into particulars, and so I could not report to the Professors that general assurance obtained with those words, which, according to me, should have been sufficient to reassure them." Regarding Monsignor Dandini, Father Vitale, a Barnabite, testifies: "The Reverend Monsignor Dandini repeated to me several times that, just as the Holy See could not dismiss the aforementioned Professors without grave reasons of misconduct, so too we Barnabites absolutely had to respect them." Indeed, the declaration of stability for the Professors in the act of the transfer of the "Angelo Mai" Institute to the Barnabites reads as follows: "That all the current Professors attached to the Institute are to be considered, and that the Barnabites will not be able to dismiss anyone, except for bad conduct or for insufficient performance of their work or teaching." This stability for the Professors was, of course, granted by the Holy See also for the future, but it is not that perfect or perpetual assignment to the office, which is required to prove the thesis of the actions. For it is known in law that it is not lawful to remove those who are removable even at will, without just cause. The aforementioned clause of the agreement is sufficiently explained by the fact that the Holy See wished to retain the old Professors because of the commendable service they had rendered for so many years, and by this condition of the agreement, it removed the danger that truly existed, lest the Barnabites replace the new Professors from their own group. In this clause, there was no question of the causes in general for the cessation of Professors from office, such as, for example, the closure of the Institute, since the Barnabites were not the owners, but only the administrators of the same. It was only about the power of the Directors to dismiss Professors. This interpretation of the clause inserted in the agreement is confirmed by the deposition of the

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aforementioned Reverend Monsignor Dandini, who was Secretary of the Holy Congregation of Studies at the time when the transfer of the Institute took place; he said: "To the second question concerning the declarations made to the Professors at the time of the cession of the Institute to the Barnabites: 'I did not have to make any declaration in any sense, that the clause placed in the contract with the Barnabites, concerning the causes of dismissal...' "

[*Latin ed. p. 106*]

106 Acta Apostolicae Sedis. - Official Commentary. "From the duties of the professors, they were established with the purpose of preventing that they should be 'replaced by Religious without merit.' - "To the question of the Promoter of Justice, why the contract 'provided for the fate of the objects described in the inventory and not that of the professors,' the response was: 'It would have been inappropriate to speak of the Professors in a contract with the Barnabites.' Furthermore, when Dandini declared his opinion 'regarding the legal condition of the Professors,' stating that he 'had believed it to be no different from that of the other employees of the Holy See, who, without fault, must not be dismissed,' this proves nothing, for it concerns a simple opinion which Dandini, like anyone else, may hold: for everyone is abundant in their own understanding. Moreover, although the statements given above should be considered to some extent, since they were made by those whose duty it was to signify and manifest the mind of the Holy See, nevertheless, such declarations, being oral and ambiguous, must give way to other declarations that are clear, open, and indeed given in writing, not by one or another administrator of the Sacred Congregation of Studies, but by the entire Congregation by its official action. And indeed, Father Nespoli, a Barnabite, testified: 'The Professors 'always said that they had a right to a pension, a thing which was denied and is denied' by the Most Reverend Cardinal Satolli, Prefect of Studies, and the Secretary, the Reverend Ascenzo Dandini. Furthermore, the Reverend Dandini himself, in his letters of August 29, 1907, addressed to the Reverend Bressan, secret chaplain to the Holy Father, while the matter of suppressing the Institute was being considered, wrote: 'Several years after the official abolition of pensions, the two Institutes were entrusted to two distinct Religious Orders for an agreed sum, and in the deed of transfer, the personnel that was deemed superfluous did not find a place in the new arrangement, and was dismissed, with a single gratuity granted to each; and it seemed that everything had passed into a settled matter.' Nor should the letter written in October 1904 by the Reverend Father Nespoli to the Most Reverend Prefect of Studies be overlooked: 'When the Sacred Congregation of Studies ceded the "Angelo Mai" Institute to the Barnabites, among other things, it asked the Reverend Monsignor Dandini whether six professors belonging to it had a right to a pension. The Reverend Monsignor responded without

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hesitation: "No, they do not have a right." Now, the professors, having learned this, are in a true and continuous agitation, and unanimously affirm the right to a pension. As proof, they adduce the reasons which Your Excellency is requested to read in the memorandum which I present to you and which I enclose with this letter.' On November 28, 1894, the Sacred Congregation responded both in writing and in a document, and made mention of the "Angelo Mai" and "De Merode" Institutes, at the time of their foundation, and with the benevolence with which...

[*Latin ed. p. 107*]

The Roman Rota. Leo XIII, in his decree of 107, stated: "Among acts of benevolence, there must be the desire to grant them a pension to provide for their 'future.' For this purpose, a regulation was drawn up, but with the explicit declaration that it did not intend to impose any obligation on the Holy See, nor to grant the Professors any right, as was confirmed in article 10, conceived in these terms: 'The provisions contained in the preceding articles shall be maintained as long as the economic conditions of the Holy See permit, and they shall not, at any time and under any pretext, confer any legal right in favor of those receiving subsidies, nor constitute any legal obligation on the part of the Council and the Holy See.' Subsequently, only two professors had the good fortune to enjoy the benefit granted, but shortly thereafter, the conditions of the Holy See worsened due to unforeseen disasters, and the same Pontiff was no longer able to continue to be so generous in beneficences as he would have liked, and recent restrictions led him to the determination to cease granting further pensions; indeed, in the audience of June 1897, he ordered that this determination be put into effect immediately. Thus were things when the two Institutes were entrusted to the two religious Congregations. - The fact that there are no funds allocated to grant pensions to the Professors, that these Professors have never made any release for this purpose, and that the Holy See is not in a position to support their desire, are reasons that lead this Sacred Congregation not to expose the Professors' request to a new and certain negative response. There is nothing left to do but hope for better times. - With this, it is believed that a response has been given to the memorandum presented to Your Eminence by the Professors, in which there are not insignificant inaccuracies, and to the letter of Your Eminence." Indeed, with these things in mind, one cannot fail to see how much weight must be given to the oral declarations mentioned above, by which the petitioners insist. It is truly quite singular in this case that the petitioners themselves, and even the Promoter, while attributing great weight to oral declarations, ambiguous and almost private, do not make any clear, consistent, and formally written declarations from the Sacred Congregation. Furthermore, the declarations made by Cardinal Satolli at the time of the Institute's transfer, regarding the perpetuity of the Professors' office, do not refer to this matter at all,

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and signify nothing other than that, with the transfer of the Institute, the condition of the Professors remained unchanged. This is evident from the testimony of the Reverend Father C. Santucci, who, having been asked by the Professors, visited the Eminent Prefect of the Sacred Congregation of Studies to express their concerns, as mentioned above. The same meaning is conveyed by the words, already cited, spoken by the Cardinal at the same time, by the Professor Biroc.

[*Latin ed. p. 108*]

108 Acta Apostolicae Sedis. - Official Commentary. The cited passage relates: "Men of little faith, why did you doubt? Your 'security is assured, and you will lose nothing.'" Furthermore, the testimonies of Professors add nothing to the general declaration of the Cardinal, which had a sufficient foundation in the clause inserted in the Institute's translation agreement. Moreover, it avails the actors nothing to bring forth an argument derived from Roman law, with which they endeavor to prove that perpetuity inheres in the office of Professors, even though the Holy See has been reluctant to recognize or intend this. On the contrary, considering the general nature of the contract that existed between the Professors and the Holy See, namely, a contract for the provision of services, the presumption is held to favor the administrators of the Holy See's assets rather than the Professors. For, although it is written in law 38, ff. concerning leases: "He who has let his services must receive the reward for the entire time, if 'he has not prevented him from performing his services,'" nevertheless, the common doctrine of the authors exempts the lessee from this obligation if there is a just cause for the suspension or cessation of the services. Thus, Reiff., book 3, title 18, n. 92, teaches: "If the lord, before the end of the term of the lease, 'without a legitimate cause' expels the slave... or if otherwise he prevents the slave, or another lessee, from performing the duties owed, he is bound to pay the full reward corresponding to the determined term of the lease." And in the cited passage, the words of the law, Dominus, 55, 2, ff. are commented upon in the matter of a related subject: "The words 'without a just and probable cause' must be noted; for if there had been a cause for fearing danger, although the danger had not actually occurred, then the reward must not be paid." Also, D'Annibale, vol. 2, n. 494: "In such a lease, it is not permitted, before the defined time, either for the lessor to withdraw from the lease, or for the lessee to abandon the lessor, unless for the most just cause; otherwise, the lessor loses the reward for the past time; the lessee, however, is liable for the future." See also Schmalz., book 3, title 18, n. 14. If, indeed, the lessee can withdraw from the agreement for a just cause, without being obliged to provide the reward for the remaining time of the lease, when the time has been determined by the agreement between the parties, then, a fortiori, it must be concluded that the lessee is not obliged to pay the reward or stipend after the cessation of services

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for a just cause, when the time of the lease has been left undetermined in the agreement between the parties, as must be assumed in the present case, unless the contrary is proven. Therefore, even if the actors had proven the stability of their office, they would still have had to demonstrate that there was not present that most just cause, that very cause invoked in the Pontifical Charter, from which it is permissible to withdraw from the agreement or convention. In the aforementioned Rescript, the suppression of the "Angelo Mai" Institute is decreed, citing reasons...

[*Latin ed. p. 109*]

The Roman Rota. One hundred and nine economic affairs, which directly concern the Apostolic See, must observe the greatest economy. However, because the stability of the office had not been proven, and indeed the Holy See has more than once and expressly declared that it does not wish to assume such an obligation towards the Professors, it was permissible for the Holy See to dismiss the Professors for a just cause. Furthermore, Laurent, Prince of Civil Law, in "De la locazione d'opera," volume 25, part III, numbers 507 and following, explains that, according to jurisprudence, the indemnity given by the lessee to the lessor constitutes a just cause. However, in the case of the Holy See, the indemnity given to the Professors was also considered, since, by suppressing the institute, the Holy See granted them subsidies, which were determined by the decree of the year 1890, indeed in a larger measure, as has already been explained, and although that decree of the year 1897 was revoked. Therefore, the Holy See satisfied not only justice, but also equity and charity in every way. Even the modern Italian laws recognize the dismissal of officials through the suppression or reform of the office, granting them an indemnity or pension for services rendered, as can be seen in the law of April 14, 1864, number 1731, article 1, subsection c), and article 3, subsection 6), article 4. It cannot be said that the "Angelo Mai" Institute was not suppressed, but rather united with the Institute of Saint Apollinaris, so that the rights of the Professors were thereby transferred to it. Although, in a broader sense, the act of Pope Pius X, of which we are speaking, can be called a union, the "Angelo Mai" Institute was not united with the Institute of Saint Apollinaris in a strict or legal sense, but rather its schools were simply closed, the professors were dismissed, and the parents of the students were informed that, if they wished, they could send their children to the schools of Saint Apollinaris, which remained in all respects and in the same conditions as before. Furthermore, the Pope, as the supreme legislator and administrator of the Church, has full power to suppress, unite, and divide any offices whatsoever that are subject to him, especially if there is a reasonable and just cause. Everyone can see that the Supreme Pontiff had very serious reasons in the case in question, because, indeed, the "Angelo Mai" Institute had been reduced to a minimum in terms of the number of students, and the expenses for it were very high, so

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that the Holy See, due to its lack of funds, was forced to close the schools, as all of this is mentioned in the document of the Pope. The Holy See did not violate justice, nor even equity, by dismissing the Professors, as has already been said, by providing them with a pension corresponding to the services they had rendered. After carefully considering and deliberating on all of these matters, invoking the name of Christ, We, the undersigned Auditors sitting for the tribunal, and with only God before our eyes, do hereby decide, declare, and definitively.

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis. - Official Commentary. We pronounce the judgment of the first instance to be valid. We declare that there is no legal impediment to the demands of the petitioners. We decide, furthermore, that the compensation, in this or that case, is to be considered as having been paid. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains to execute our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, concerning reform, of the Council of Trent, employing the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, on the 13th of January, 1913. Franciscus Heiner, Prefect. Ioannes Prior. Ioseph Mori. Sac. T. Tani, Notary. DIARY OF THE ROMAN CURIA SACRED CONGREGATION OF RITES. ORDINARY CONGREGATION. On the 4th of March, 1913, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, members of the same, discussed the doubt concerning the introduction of the cause of beatification and canonization of the Servant of God, Maria Teresa Dubouchè, foundress of the Sisters of the Reparation. PREPARATORY CONGREGATION. On the 11th of March, 1913, in the Apostolic Palace of the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates and the theological Consultors, the Preparatory Congregation of the Sacred Rites concerning the cause of Corisopiten was held, to discuss the doubt concerning the heroic virtues of the Venerable Servant of God, Michele Le Nobletz, priest and missionary.

[*Latin ed. p. 111*]

Diary of the Roman Curia. III. SECRETARY OF STATE. APPOINTMENTS. The Holy Father Pius X, desiring to contribute to the greater solemnity of the XXIV International Eucharistic Congress, which will take place in Malta next April, has graciously deigned to appoint His Eminence, the Most Reverend Cardinal Domenico Ferrata, prefect of the Sacred Congregation of Sacraments, to preside over said congress with the exalted title of Papal Legate. To accompany the aforementioned Most Reverend

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Cardinal Legate, His Holiness has graciously deigned to appoint: The Most Reverend and Reverend Monsignor Federico Tedeschini, chancellor of the Apostolic Briefs; The Most Excellent Prince Barberini; The Reverend Mr. Comm. Guglielmo Humphrey Page, secretary of state, extraordinary, of sword and cape. With letters from the Secretary of State, the Holy Father has deigned to appoint: March 2, 1913. — Monsignor Vincenzo Misuraca, secretary of the nunciature of the second class, secretary of the nunciature of the first class, assigning him to serve at the Apostolic Delegation of the United States of America. March 7. — His Eminence Cardinal Antonio Vico, Protector of the Order of the Roman Recollects of St. Augustine. With Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotaries *ad instar participantium*: January 28, 1913. — Monsignor Luigi Castro, of the diocese of Neosía. March 4. — Monsignor Giuseppe Fragnière, superior of the grand seminary of Freiburg im Breisgau. Domestic Prelates of His Holiness: February 28, 1913. — Monsignor Percy A. Philips, chancellor of the episcopal curia of Denver. — Monsignor Riccardo Brady, canonist of the same diocese.

[*Latin ed. p. 112*]

The Acts of the Apostolic See. – Official Commentary. HONORS. With an Apostolic Brief, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class. February 20, 1913. – To the Most Honorable Senator Arturo indio do Brasil e Silva, of the Archdiocese of Rio de Janeiro. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: February 22, 1913. – To the Most Honorable Bernard Pichardo, former Secretary of State of the Dominican Republic. March 6. – To the Most Honorable Sir William Humphrey Page, Secret Chamberlain of Sword and Cape to His Holiness. The Knighthood of the Order of Saint Gregory the Great, civil class: February 25, 1913. – To the Most Honorable Maximilian de la Hamayde, of the Diocese of Troyes. – To the Most Honorable Henry Jorry-Prieur, of the same diocese. The Knighthood of the Order of Saint Sylvester the Pope: February 26, 1913. – To the Most Honorable Arnold Fayen, librarian at the Ministry of Foreign Affairs of Belgium. – To the Most Honorable Placid Lambert, of the Diocese of Troyes. March 2. – To the Most Honorable Doctor Odoardo Pandolfi, of the Diocese of Cassano all' Jonio. NECROLOGY. January 4, 1913. – Bishop Luigi del Forno, Bishop of Nocera dei Pagani. March 14. – Bishop Felice Gialio Jourdan de la Passardière, of the Congregation of the Oratory, titular Bishop of Rosea.

[*Latin ed. p. 113*]

Volume V. March 31, 1913. No. 5. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. PIUS PP. X. APOSTOLIC LETTER. I. PRIVILEGES AND INDULGENCES FOR THE JUBILEE CELEBRATION

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OF THE RECONSECRATION OF THE CRYPT OF SAINT BENEDICT IN THE CATHEDRAL OF THE ARCHABBE, MONTE CASSINO. PIUS PP. X. For the perpetual memory of the event. — The Archabbey of Monte Cassino, a splendid monument of the Christian faith and a unique ornament of Italy, most clearly testifies to what the religion of Christ can accomplish. Situated within the happy confines of Campania, on a mountain, where the sanctity of Saint Benedict, the patriarch of Western monks, is honored, it was founded in the sixth century after the restoration of the Church and, in very difficult times, appeared as a pillar of the Church and a bulwark of the Faith. Indeed, that monastery, while the incursions of barbarians, the overthrow of civil order, internal discord, tumults, massacres, and bloody wars devastated not only Italy but the entire region of Europe, provided an asylum of peace and a safe refuge, not only for religion but also for good arts. Here, by the hands of pious monks, the flame of ancient wisdom shone brightly for the people, even as darkness encroached far and wide; here, the sacredness of divine and human law was preserved, in that terrible time when all things were mingled with violence and injustice. History teaches what Italy and civil Europe owe to the monks of Monte Cassino; from which we learn that the annals of the Monastery of Monte Cassino are a great part of the history of the Roman Church; and the ACTA of the Abbey itself, Volume V, No. 5. — March 31, 1913.

[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis. - Official Commentary. Three alumni, drawn from the monastery, have attained the pinnacle of the priesthood, among the predecessors. They are recorded as Stephani IX, Victor III, and Gelasii II. This most celebrated monastery has always held the highest honor, deservedly so, in the eyes of the Roman Pontiffs, for whom the status of the Abbey has always been dear, and who, from ancient times to our own age, have most abundantly testified to their obedience and devotion to Saint Benedict, both through public and important documents, and through a multitude of concessions and privileges. Among these, it is fitting to remember Alexander II, Urban V, Leo X, Clement XI, Benedict XIII and XIV, and also Our immediate predecessor, Pope Leo XIII, who, in the year 1880, in the waning years of the fourteenth century after the birth of Saint Benedict, since he was unable to visit the Casinensis Abbey due to the vicissitudes of time, sent Cardinal Pitra, a distinguished member of the Holy Roman Church, as his legate, to represent him in solemn festivities. Thus, it so happened that, as We also, having divinely attained the highest office in the world, are now granted a favorable opportunity to express Our will and Our concern for this most illustrious Abbey. Indeed, We have received with great joy the happy news that, on the sixth day of the month of May, for the public worship of the Christian people, the splendid hypogeum, which had been closed, in the cathedral of the Casinensis Archabbey, will

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be reopened, where the mortal remains of Saint Benedict, Patriarch of the monks, and of his sister, Saint Scholastica, await glorious resurrection. This distinguished place, dedicated to the memory of the Saints, had been neglected by the ravages of time and, to a greater extent, by the injuries of men, and was inferior in magnificence to the upper building. Boniface Krug, the Abbot of Casinensis, recently deceased, with Aloysius Tosti, the learned Abbot, a man of singular faith, encouraged by Benedictine zeal and spirit, undertook the immense work of restoring this very hypogeum. He wished that his sons should labor at the tomb of the Father, and he entrusted the work to the school of art of the Beuron monks. Moreover, it illuminated his mind with a certain salutary innovation of Christian art, and just as, hidden within the Benedictine cloister, the sacred melodies of Gregorian chant, the best of all compositions, which perfectly correspond to the majesty of the ecclesiastical liturgy, have been preserved unchanged, so he hoped that from the Casinensis Archabbey, a new conception of the arts would emerge, which, defending itself against the profane innovations admitted under the name of art, would demonstrate by the example of its works how painting, sculpture, and other decorative arts, together with sacred music, can be a powerful aid to the liturgy. This very noble purpose, through the work of Christian art, has been realized, and the result has corresponded to the expectation, for:

[*Latin ed. p. 115*]

Acta PP. X., 115. The crypt, adorned with precious marbles and gold, and embellished with gems, not only serves to inspire the admiration of those who behold it, and to win the praise and applause of learned men and devotees of the liberal arts, but also clearly demonstrates a new conception of sacred art, perfectly suited to the decorum of the Catholic cult. However, this restoration of the Benedictine crypt has happily and readily taken on another purpose, namely, to provide a most conspicuous and solemn expression of devotion to Saint Benedict, the Father of that religious Order, and of love and obedience. For, having been restored throughout, immense sums were provided by citizens of all conditions and groups for this undertaking, and in the vaults of this sacred place, depicted in mosaic, are seen Our Lord, Our predecessor, and the two Emperors, and Kings, and royal Princes, and Cardinals of the Holy Roman Church, and Bishops, and families illustrious with ancient nobility, and the emblems of the most important Benedictine abbeys, all of which clearly testify to this concord of noble study and devotion, and will remain a lasting monument to such love and piety for posterity. Now, as is reported to Us by Our beloved son, Gregory Diamare, Abbot Ordinary of the Archieabbey of Gasino, the sacred crypt is to be inaugurated on the sixth day of the month of May, with solemn and public festivities, and as many abbots as possible from abbeys throughout the Order of Saint Benedict have signified their inten-

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tion to be present for these sacred celebrations, We deem it fitting to bestow upon the fortunate outcome, and upon the entire Benedictine family, the special favor of Our pontifical benevolence. We desire, indeed, to make the memory of these auspicious celebrations lasting, and to confirm and amplify, by this public and solemn document, the spiritual benefits which Our predecessors, the Roman Pontiffs, bestowed upon the crypt of Gasino. And first, we implore the Author of all good, God, that He may be favorably disposed towards the Benedictine Order, which has so excellently earned merit through religion, the liberal arts, and civil culture, and that He may continually add more abundant blessings to it; and likewise, we impart Our blessing to all the monks of that Order, to those being educated in the abbeys of the Order, and to all who have contributed benefits to the Order itself, and to the entire diocese of Gasino, praying for divine graces. Furthermore, freely and willingly releasing the heavenly treasures which the Most High has entrusted to Us for the benefit of the faithful, We hereby, with Our apostolic authority, confirm in perpetuity the Gregorian privilege which the altar of the greater chapel of the aforementioned crypt, dedicated to Saint Benedict and Saint Scholastica, enjoys, so that the Masses which are celebrated there, at any time...

[*Latin ed. p. 116*]

16. Acta Apostolicae Sedis. – The official ceremonies for the deceased are duly celebrated, and the souls for whom they are offered receive the same benefit as if they were offered at that most sacred altar which is located in Rome, at Saint Gregory's in Monte Celio. With equal authority, we also grant to the other two altars of the same crypt, one dedicated to Saint Maurus the Abbot, and the other to Saint Placidus the Martyr, a perpetual apostolic privilege, by the tenor of these present words, so that whenever any secular priest, or any regular priest with the permission of his superiors, celebrates Mass at either of these altars, for the soul of any faithful person who, united in charity with God, has departed from this life, that soul itself, through the merits of our Lord Jesus Christ, the Blessed Virgin Mary, and all the Saints, may, if it pleases God, be delivered from the pains of Purgatory. In addition to this, the privilege which already benefits both the main altar of the cathedral and the other main altar of the aforementioned crypt, by virtue of which a votive Mass of Saint Benedict can be celebrated twice each week, even on feast days, with a double offering, is extended to the other two altars of that crypt. Furthermore, we grant and establish in perpetuity that the aforementioned votive Mass, in all four of the aforementioned altars, shall be valid for all days of the year, and also for all feast days, except for the most solemn festivals, as has already been granted to some sanctuaries. Moreover, to all and each faithful of both sexes, who, on the sixth day of May each year, from midday of the preceding day until sunset on that day, having expiated their sins through

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the sacrament of confession, and having been refreshed with the heavenly food, visit the aforementioned crypt of Saint Benedict, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of Holy Mother Church, we mercifully grant and bestow a plenary indulgence for all sins, from which they may, if they wish, atone for the faults and penalties of their past lives. Finally, so that the festive observances to be held this year, which are conducive to the spiritual edification of the Christian people, may be remembered, we announce a solemn Jubilee indulgence to be enjoyed by all the faithful who, within the time that elapses from the sixth day of May until the octave day of the following month of June, during this year, visit the crypt of the temple of Casinensis, and duly perform the prescribed acts of piety; therefore, we grant all the customary privileges of a solemn Jubilee, and we order that the confessors be provided with the necessary faculties for this purpose by the Abbot Ordinary. And we decree that this be done without prejudice to the indulgences and privileges with which the cathedral temple of Casinensis is endowed. Furthermore, we grant, command, decree, and declare that these present letters shall always remain valid and effective.

[*Latin ed. p. 117*]

117 The acts of Pope Pius X and his successors shall have full and complete effect, and the church of the Archabbey of Gasino shall, now and forever, fully support them; and it shall be duly declared and defined that, if anything should be attempted by anyone, with any authority whatsoever, knowingly or unknowingly, contrary to these matters, it shall be null and void. Notwithstanding any contrary things. Given in Rome, at St. Peter's, under the Fisherman's ring, on the tenth day of February, 1913, in the tenth year of Our Pontificate. R. CARD. MERRY DEL VAL, » L. S. from the Secretariat of State. II. APPROBATION IN PERPETUUM OF THE CONSTITUTIONS OF THE CONGREGATION OF CANONICAL REGULARS OF THE IMMACULATE CONCEPTION. PIUS P. X. For the perpetual memory of the matter. — It is a most salutary and fruitful counsel that those men of the Church who perform the sacred ministry on earth, uniting together, should associate their forces, and, according to the counsels of the Divine Master, strive to enter into a common life, so that they may more fully promote their own sanctification and more effectively fulfill the entrusted task. How many abundant fruits in the Lord's field have always come from the common life, the annals of the Church and the ancient Fathers and Doctors teach, who have celebrated communities of clerics with the most excellent words, with unanimous consent. Our predecessors, the Popes of Rome, have also recommended common life societies, and priests living together under certain rules, among whom were also those who later received the title of Canons Regular, have always been praised with clear encomiums.

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It is fitting to remember Urban II, Innocent II, Benedict XII, Honorius II, Eugene IV, Sixtus IV, Paul III, Pius IV, the holy Pius V, and Urban VIII, Our predecessors, who, in their documents, even those sealed with lead, approved of such institutions, and did not hesitate to propose to others, priests living in common in regular societies, as an example of the apostolic life. These priests, living according to the rule of the Apostles, are truly, as Eugene P. IV said, "those who imitate the life of the holy Fathers and renew the institutions of the Apostles by the inspiration of the Holy Spirit, who, as an example..."

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis. - Official Commentary. "Those who believed were together, and had one heart and one soul, and obeyed their pastors according to ecclesiastical and apostolic traditions." We ourselves, seizing the opportune occasion of the sacerdotal jubilee on the fourth of August in the year 1908, addressed letters to the Catholic clergy, and urged all priests, again and again, to cherish and cultivate this holy institution of common life, which is the source of all good spiritual things, according to the example of the nascent Church. This, indeed, seemed commendable to us, in order to prepare mutual aid in adversity, to defend the integrity of the name and the works, and, above all, to cultivate the faculty of sacred doctrine, to maintain with greater care the holy purpose of the vocation, and to promote the means of saving souls, with counsel, strength, and collaboration. Indeed, in those letters, expressing our wish "that in this very age, suitably to places and duties, something similar might be revived," we added, "and we rightly hope that from this, good fruits will be brought to the joy of the Church." For, in this present time of great tribulation, in which so much evil afflicts the Catholic world, and in which the enemies of the Christian name have declared war on the Church of God, we draw consolation and are led to hope for a better age, when the spirit of union and the communion of prayers is poured out upon the house of David, and upon the inhabitants of Jerusalem; when the praise of those who do good in the defense of the Catholic name is not less than the condemnation of the wickedness of their works; and finally, when the mother Church is afflicted by ungrateful and wicked sons, there will not be lacking loving and devoted sons who will offer her consolation and reparation. Among these loving and devoted sons, whose virtues and good works delight us, we certainly include the Regular Canons of the Immaculate Conception, who, for about fifty years, having begun a society of common life, strive with apostolic zeal for the sanctification of themselves and others. The foundations of this society were laid in the cathedral temple of the diocese of Saint-Claude in France in the year 1766, and there the first house of the Institute was founded. But soon, with the pious support of the Sacred Ministers, several houses of the Regular Canons of the Immaculate Conception were

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established throughout France. And even here, in the City, the center of the Catholic world, at the very summit of the Janiculum, the principal house of the Congregation arose, and its alumni, having gone beyond the borders of Europe, are diligently engaged in apostolic works in the distant regions of Canada and Peru. Our predecessors, the Roman Pontiffs, have approved this society, which is as worthy of praise as it is responsive to the needs of the present age, with apostolic authority. Indeed, Pope Pius IX, of blessed memory, through a decree...

[*Latin ed. p. 119*]

From the Acts of Pope Pius X, 119, concerning the affairs of the Congregation of Bishops and Regular Canons, signed on the eighth day of April in the year 1776, this Congregation of Regular Canons was commended with special praise. Leo XIII, Our Predecessor, by a decree issued by the same Congregation on the tenth day of March in the year 1887, deigned to approve and confirm this institution, which had been highly recommended by the superiors of all of Galliae, according to the form of the sacred Canons and apostolic Constitutions. Furthermore, We ourselves, as a pledge of Our particular benevolence towards this fruitful Congregation, approved its Constitutions for a period of seven years, by a decree issued by the Congregation of Bishops and Regular Canons on the tenth day of October in the year 1908. The religious of this Institute, which has so rapidly grown into a rich and useful field, living a common life under the rule of Saint Augustine, are bound by the three simple vows of poverty, obedience, and chastity, and deserve all the proper and principal meanings of pontifical devotion. Following apostolic counsel, these religious strive to combine a religious and contemplative life with pastoral duties, and to enrich divine understanding through active preaching and the apostolate of good works, and they do not hesitate to interrupt the silence of their cloister with the clamor of great cities, in order to gain souls for Christ. Far from the snares of the world, they devote themselves to their own sanctification through the practice of the sacred ministry and the perfect observance of their vows, and at the same time, assuming the care of souls under the immediate authority of the bishops, they expend the holiness they have acquired for the benefit and spiritual edification of the faithful in the parishes entrusted to them. Thus, these religious men, commendably combining pastoral life with religious life, openly demonstrate by their example that one way of life does not hinder the other, but rather that one can, in turn, be cultivated and strengthened by the other through suitable and harmonious institutions. Moreover, it is easily understood how much these diligent workers in the Lord's vineyard are valued by the Church, and how many merits they acquire, which is why the bishops often invite them to reside in their own dioceses. For they strive with great zeal and dedication to bring wandering souls back to the right path, to teach those ignorant of the mysteries of the

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faith, and to impart the rudiments of Christian instruction to children. Furthermore, these Regular Canons provide valuable assistance to the bishops and are of particular benefit to individual dioceses, especially in seminaries, where they instruct young men called to the service of the Lord, not only in virtue but also in human letters. Finally, they are an edification to all and a salutary example, whether...

[*Latin ed. p. 120*]

120 Acta Apostolicae Sedis. - Official Commentary. Through the works of piety, faith, and charity performed by them, or by considering the religion which, within the confines of the society, they observe and maintain through the rules and duties of common life. Now, since We have seen and explored the most abundant fruits which the aforementioned Congregation of Regular Canons derives from this common life, for the good of the Church and the salvation of the Christian people, We deem it fitting to offer to this Congregation a repeated and most important testimony of Our pontifical will, and to confirm, with the full force of supreme apostolic sanction, those wise constitutions which We have already, as mentioned above, approved for seven years, even before the aforementioned prescribed period has elapsed. Since these things are so, after having heard and with the consent of the Most Reverend Fathers, Cardinals of the Congregation for Religious Affairs, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, We hereby, by these presents, approve and sanction forever the Constitutions of the Regular Canons of the Immaculate Conception, written in the Latin language, as they are contained in the printed exemplar type, which We have ordered to be preserved in the archives of the third section of Our Secretariat of State, by Apostolic Briefs. Furthermore, We beseech the Author and Giver of all good things, God, that He may favorably assist this Congregation, so that it may receive ever greater growth, and that its best examples may be spread throughout the entire world. These things We grant, We decree, We declare, that these Our Letters shall always remain firm, valid, and efficacious, and shall produce and obtain their full and complete effects, and that We shall perpetually and fully support the Congregation of the Regular Canons of the Immaculate Conception, and that it shall be rightly judged and defined, and that anything attempted concerning these matters by anyone, with any authority whatsoever, knowingly or unknowingly, shall be null and void. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eleventh day of February, 1939, in the tenth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. © S. a Secretis Status.

[*Latin ed. p. 121*]

Decrees of Pope Pius X, in the third year of his pontificate: CERTAIN

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INDULGENCES OF TEN YEARS ARE GRANTED, TO BE OBTAINED IN THE CHURCHES OF THE ORDER OF MINORS IN HISPANIA, IN HONOR OF THE FAITHFUL. PIUS PP. X. For the perpetual memory of this matter. — Since, having attained the divine office of Prince of the Apostles, Peter, nothing is more pleasing to Us than to promote those things which appear most fitting and opportune for increasing the devotion and study of the Christian people towards the divine Mystery of Love, and since the present Vicar General of the family of the Order of Friars Minor in Hispania earnestly implores Us with fervent prayers to grant certain indulgences from the treasure of the Church, so that devotion to the most holy Sacrament of the Eucharist may be increased in Hispania, and the worship of the people may be promoted, and considering that the Most Blessed Pope Leo XIII, Our predecessor, instituted the blessed Paschal Baylon as a special patron of Eucharistic devotion, We deem it fitting to assent to these requests with a willing heart. Therefore, having heard the Most Reverend and Most Reverend Cardinals, General Inquisitors of the Holy Roman Church, and confident in the mercy of Almighty God, and by the authority of Our blessed predecessors Peter and Paul, We grant and bestow, to all and each of the faithful of both sexes, who, having been duly absolved through the sacramental confession, and having partaken of the repast in Angelorum, shall, each year, in any church or public chapel of the Order of Minor in Hispania, having adored the most holy Sacrament of the Eucharist publicly exposed for veneration, and on the feast days of the blessed Paschal Baylon, and on the seventeenth day of each month, from the middle of the day preceding until sunset on those days, shall offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, to those who shall do so on these days, a plenary indulgence and remission of all their sins, which they may also apply for the souls of Christian faithful who, united with God in charity, have departed this life, as a form of suffrage. Notwithstanding any contrary decrees. These present are valid for ten years only. Given at Rome, near St. Peter, under the Fisherman's ring, on the eighth day of January, in the tenth year of Our pontificate.

For R. CARD. MERRY L., of the Secretariat of State,

• F. Tedeschini, of the Apostolic Briefs.

[*Latin ed. p. 122*]

Acta Apostolicae Sedis. - Official Commentary. SUPREME SACRED CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES)

Decree Concerning the Conditions for Obtaining the Indulgence of a Privileged Altar.

As the concessions, both local and personal, of the altar, which is called

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"privileged," and of Masses with a privilege, increase daily, and as the faithful petition that Masses be celebrated with a privilege, lest neglect of the required conditions, under penalty of nullity, become too easy, and thus lead to great detriment of the souls in Purgatory, the Supreme Sacred Congregation of the Holy Office, to which the entire matter of Indulgences has been entrusted, has received numerous petitions from various places for the relaxation of such conditions.

After mature deliberation, the Most Reverend and Illustrious Cardinals, Inquisitors General, in a plenary session held on the fourth day of February, in the year 1913, judged it fitting to request that the Most Holy Father approve the following Decree for the entire Church, and that He deign to ratify it with the fullness of His power:

"Regarding the obtaining of the indulgence of a privileged altar, it shall no longer, under penalty of nullity, be required that the Mass of Requiem, or the Mass of the day, or the Vigil with the proper Prayer for the Dead be celebrated; however, it is to be done commendably, when it is permissible and fitting, out of piety towards the deceased."

And on the following day, the fifth day of the same month, the Most Holy Lord, our Lord, Pope Pius, by divine providence, having graciously approved, in the usual audience granted to the Reverend Father, the Assistant of this Supreme Sacred Congregation, according to the vote of the Most Reverend Fathers, contrary opinions notwithstanding.

M. CARD. RAMPOLLA.

L. © ' S . f D.

Archbishop of Seleucia, Assistant to the Holy Office.

[*Latin ed. p. 123*]

123. The Most Holy Congregation of the Holy Office. *DECREE OR DECLARATION CONCERNING THE FORMULA OF PRAYER "OBSECRO TE," TO BE RECITED AFTER MASS. A doubt was presented to the Most Holy Congregation of the Holy Office, concerning whether the spiritual benefits granted by the Decree of the same Holy Congregation of August 29, 1912, remain, if, as is read in some editions already published, the same prayer "Obsecro te, dulcissime Domine Iesu Christe" is recited after the sacrifice of the Mass, but is amplified in this manner: "... May thy death be to me an unending life, may thy Cross be to me eternal glory..." And the Most Eminent and Most Reverend Lords, Inquisitors General, in a plenary session held on Thursday, February 26, 1913, declared: Affirmative. Furthermore, on the following Friday, the 27th day of the same month and year, the Most Holy Lord Pope Pius, by divine providence, in his customary audience with the Reverend Father, Assistant of the Most Holy Congregation, with His supreme authority, confirmed the judgment of

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the aforementioned Fathers, notwithstanding any objections. M. CARD. RAMPOLLA. L. £B S. f D. Archbishop of Seleucia, Assistant of the Holy Office.

[*Latin ed. p. 124*]

From the Acts of the Apostolic See. - Official Commentary. SACRED CONGREGATION CONSISTORIAL: NOTICE. Since in some seminaries there is discussion about sending groups of students to Rome, so that, instead of the entire seminary participating, a portion of them may, along with others, take part in secular festivities concerning the peace of the Church, the Most Blessed Father, although he views with great joy the hope of the Church's youth, represented by these students, knowing nevertheless that this cannot be done without some detriment to that spiritual recollection which is of such great importance in the formation of clerics, urges all to abandon this plan, and rather to pour forth fervent prayers to God for the Church, with zeal and devotion, within their own institutions. He confirms, with his apostolic blessing, all the students present. Given in Rome, from the Secretariat of the Sacred Congregation Consistorial, on the 30th of March, 1913. - C. CARD. DE LAI, Bishop of Sabina, Secretary. LAURETANA. CONCERNING VOTIVE MASSES OF THE BLESSED VIRGIN MARY, TO BE RECITED ACCORDING TO A PRIVILEGE. Since in the holy chapel of the venerable House of the Blessed Virgin Mary, and at the altar of the Most Holy Annunciation, in the Basilica of Loreto, votive Masses of the same Most Holy Virgin may be celebrated, according to the quality of the time, on each day of the year, except for certain days noted in the list recently requested by the Congregation of Sacred Rites: I. Whether, within the octaves of feasts and on the feasts themselves of the Blessed Virgin Mary, even if in the classical liturgical books there is only mention of them, or no mention at all, the aforementioned Masses, already granted, ought to be considered as votive, or rather as festive, pertaining to the feasts or octaves, and that too with the Gloria and the Creed?

[*Latin ed. p. 125*]

Sacred Congregation of Bishops. 125 II. In the vigils, or at least in the commemorations, of the feasts of the same most blessed Virgin Mary, ought the prescribed Mass to be of the vigil, without the Gloria and Creed, with prayers according to the rubrics and decrees? And the same Sacred Congregation, upon the report of the undersigned Secretary, having heard the opinion of the Liturgical Commission, considered that the proposed questions should be answered as follows: To the first question, negatively; to the second question, affirmatively, according to other decrees and the general decree no. 3922 concerning votive Masses, of June 30, 1896, articles 1 and 2. To the second question, affirmatively. And thus it decreed, on May

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17, 1912.

[Signature] F. CARD. MARTINELLI, Prefect.

[Signature] L. ÜB S. Petrus La Fontaine, Bishop of Charistien, Secretary.

SACRED ROMAN ROTA I. ROMA. CANONICAL AND PAROCHIAL BENEFICES. Under the happy reign of Pope Pius X, in the tenth year of his pontificate, on February 1, 1913, the Most Reverend Fathers, Doctors Frederick Cattani, Anthony Perathoner, and Joseph Alberti, hearing the cause of Sorana – concerning a canonical and parochial benefice – among the Reverend Canons appellants, Francis Rua, Anthony Proia, Seraphin Cecchinelli, Anthony Lucchetti, Lawrence Liberatore, represented by their lawful advocate Vincent Sacconi, and the Reverend archpriest Bernard Fraioli, represented by their lawful advocate Angel d'Alessandri, pronounced the following final judgment. In the town of "Fontana Liri," in the diocese of Sorana, there exists a collegiate church dedicated to Saint Stephen the protomartyr, which was and still is a church for the common celebration of Mass. Nothing is known of its original foundation, since the original documents have been lost; but from the new statutes, approved in the year 1789, it is evident.

[*Latin ed. p. 126*]

Acts of the Apostolic See. - Official Commentary. It consisted of an archpriest, who managed the care of souls, and four canons, upon whom the duty rested of assisting him. There was no separate endowment for each; but there were two masses, one common, the other called the "masses of the canons." The common mass was divided into six parts, two of which went to the archpriest, and the remaining four to the other canons; the mass of the canons was distributed individually. After the Concordat entered into between the Holy See and the government of Naples (in the year 1818), two new canons were created, who were initially honorary, but later became fully participating members by a decree of the Most Reverend Andrea Lucibello, Bishop of Sora, dated December 11, 1830. This distinguished man perceived the harm that would result to the canons already existing from the election of two others, and therefore, endowed with special powers by the Holy See, he decided that "without any novelty being introduced in the 'usual quota' which is received by the archpriest,' the burden of the Masses to be celebrated by the canons should be reduced, and the stipends for Masses, which are called 'additional,' should be increased. Due to unfavorable laws enacted by the Italian government in the years 1866 and 1867, the collegiate church of Fontana Liris suffered this fate: either its goods were suppressed by the State and reverted to the public domain, leaving the archpriest and his successors a suitable portion, and the canons then existing, but not their successors, "an annual assignment corresponding to the net revenue of the ordinary endowment." However, the canons considered the portion assigned by the government to the parish

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priest to be greater than that which the parish priest had enjoyed before the promulgation of these civil laws, and in the year 1880, they brought a case, and "after a long exchange of arguments for and against from both sides, it was finally agreed upon, through the careful and conscientious work of the lamented Canon Penitententiary, Father Giuseppe Senese, who was proposed and delegated by Monsignor Ignazio Persico, O.C., Bishop of Sora, Aquino and Pontecorvo, and later Cardinal of the Holy Roman Church, that the parties in dispute willingly accepted and signed this agreement." Nevertheless, despite this agreement accepted and signed by both parties, the same question arose in our days between the Reverend Father Bernard Fraioli, who is currently serving as parish priest, and the Reverend Canons: this question, having been previously resolved by the Reverend Curia of Sora, has now, at the request of the canons, been brought again before the Holy Office, with these doubts: I. To whom, in the case of the canons applying, Francis Rea, Anthony Proia, Seraphinus Gecchinelli, Anthony Lucchetti, and Lauret Liberatore, does the portion of the parish endowment of Fontana Liris legally belong?

[*Latin ed. p. 127*]

The Roman Rota. II. Whether the expenses of the Chapter can be paid by its procurator, or must they be borne in the case of cultus, which was assigned by the government to the parish, and which the parish priest is obligated to administer?

Before the merits of the case are considered, a preliminary question must be resolved: it must be examined whether the appellants have a legitimate standing in the judgment, and whether the appealed sentence has unjustly prevented all the canons, except for Canon Francis Rea, from acting. For they contend that they have no legally sufficient title to bring an action against the parish priest of Fraioli.

To resolve this preliminary question, it is necessary to diligently examine the documents by which the plaintiffs obtained their respective canonries.

Therefore, it is first established that Canon Francis Rea was truly and properly a canon: which fact is also admitted by the opposing party. He is said to have been a canon because he died on December 18th of the previous year, 1912. Therefore, the entire question pertains only to Canons Anthony Proia, Seraphim Cecchinelli, Lauret Liberatore, and Anthony Lucchetti.

Therefore, these must be considered separately, since they obtained their canonries through different acts, not only in number but also in form.

As for Canon Anthony Lucchetti, he succeeded to the position of the late Mr. Francis Proia, who died in 1901, and who was certainly a canon. Three years after his death, namely in 1904, Anthony Lucchetti petitioned the Holy See for the collation of the vacant benefice, which he obtained

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in February of the same year, with a simple signature. The words of the collation are: "The canonry of the collegiate church of the town of Fontana Liris, vacant due to death outside the Curia in February 1901, the collation of which was reserved to the Apostolic See on this occasion, and the fruits of which are none, for Anthony Lucchetti, a priest, native of [place], who has exercised the ministry of souls for 30 years, and who has been recommended by the Ordinary. With the simple signature of the decree, etc."

Therefore, having obtained this provision, there seems to be no legitimate reason to doubt the nature of the canonry that Canon Lucchetti obtained, nor his right to stand in judgment, as a true and proper canon. For he succeeded directly and immediately to the position of a canon, provided that he petitioned for the collation from the Apostolic Datary, that is, from the legitimate collator, and that he obtained it through a legitimate form.

It is objected that a certain phrase is found, either in the letters in which the collation of the aforementioned canonry is requested, or in the decree of collation: the advocate requests a benefice of which the fruits are none, and such a benefice is granted to him. Indeed, in the grant, this clause is included: "Although the fruits of said canonry are none, as stated, and no others, otherwise..."

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis. - Official Commentary. "The aforementioned ruling does not in any way favor the aforementioned petitioner." From these, the patron of the Reverend Archpriest attempts to deduce that Mr. Anthony Lucchetti is not a canonical member, but only has the right to participate as an adjunct, because, he says, the benefice that Mr. Lucchetti obtained is declared to be without fruits, and therefore he cannot have the right to receive any fruits that may arise in the future. This conclusion is also reached by the Holy Roman Curia, for in it is read: "Mr. Anthony Lucchetti has in his consecrated and 'repeated' charter the clause that he must not have any fruits from the income." However, this conclusion, whether of the Holy Roman Curia or of the patron of the Reverend Archpriest, contradicts primarily the charter of the Apostolic Datary. Indeed, according to the aforementioned charter, when a benefice is conferred by a simple signature, to which at this time there are no fruits, it is certain that the fruits of the benefice, which may be acquired or recovered in the future, are not excluded, and that the beneficiary is not required to produce a new petition, or to obtain new charters. Otherwise, it would have to be said that if the benefice is conferred with fruits that actually already exist: in which case, the simple signature by which the benefice is conferred would have no force. Indeed, Mr. Lucchetti obtained the canonry by the signature of the Apostolic Datary, and at that time, considering the aforementioned contradictory laws, there were no fruits of the benefice. Therefore, nothing prevents him from being able to receive

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them today, if they should arise. It must therefore be concluded that Mr. Lucchetti is to be considered among the canonical members, and therefore he has the right to stand in judgment. As for the canonical members Anthony Proia and Seraphin Cecchinelli, it is clear that they are not members, but only honorary members, although they may have certain duties and offices, and may receive some incidental fruits. Indeed, both are explicitly called honorary members in the acts of nomination. In the charters, the words: "We admit you into the true, real, actual, and personal possession of the said 'canonry' in our name, and we accept and grant it," are found: thus in the charter for Mr. Anthony Proia. The same words are found in the charter for Seraphin Cecchinelli. In these charters, nothing is said other than about the honorary canonry. No one, indeed, does not know that "the honorary canons are called, according to accepted customs, those who are assumed 'indeed into the brotherhood, and for honor only,' without any right to fill a vacant position." Cf. Lombardi, Inst. Iur. Can. Priv., vol. II, p. 399. And Sebastiani, citing certain resolutions of the Holy See, concludes: "From these, it is clear that those called canons for honor's sake obtain nothing other than 'the use of the vestments and a stall in the choir, and in this they are distinguished from the titular and supernumerary canons, because they obtain no right to fill a vacant position.'"

[*Latin ed. p. 129*]

129 The Roman Rota: "nor do they acquire any right to hold it." Cf. *Praelectiones Iuris Canonici*, vol. III, p. 240, n. 24. Also, Wernz, *Ius Decretum*, vol. II, p. 2, p. 579, n. 776. Although today, it is commonly the case that distinguished clerics, both in doctrine and merit, are appointed as honorary canons, who not only do not serve the church in which they are received in any way, but also habitually reside elsewhere; furthermore, honorary canons are also appointed who are moved to the place where the church is located, where they were received as brothers, and who have the office of serving that church, according to agreements established by the bishop at the time of their reception; this has often been and is often necessary, for, as De Herdt observes, "when canons have been reduced in number through the succession of benefices, and from among them some are advanced in years, others are afflicted by infirmity, and still others are legitimately hindered, they are unable to assist in the divine office: therefore, bishops must provide for the proper celebration of the divine office, and especially of pontifical functions, by the creation of honorary canons." Cf. *Praxis Capitulorum*, p. 99, § 2, n. II. Also, Santi writes: "Under changed circumstances, and especially when canonical benefices are diminished, it has happened that, in order to promote the divine worship, and to adorn the bishop's council, honorary canons have been instituted in many chapters." Cf. *Praelectiones Iuris Canonici*, vol. III, title VIII, n. 14. And this was indeed the

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principal reason why the Lords Anthony Proia and Seraphinus Cecchinelli were called to the honorary canonry. Indeed, in their bulls of nomination, the following is read: "Since, in view of the present needs of the times, nothing is more important to us than the dignity of the House of God, and we strive to promote it in every way that is permissible to us, etc." It does not contradict the concept of an honorary canon that some obligations are imposed upon them by the bishop at the time of their nomination. Hence, De Herdt, in the aforementioned work, says: "Honorary canons are not bound to attend [services], nor to the weekly [obligations], unless such a custom exists, or unless this condition has been imposed upon them at their reception." Cf. *loc. cit.*, p. 102, n. VI, where the resolution of the Holy General Council of the year 1747 is also cited. Also, it does not contradict the concept of an honorary canon that they are assigned some revenues; for these revenues are not established to constitute a benefice, but rather as a sign of gratitude or compensation. Therefore, in some places, for example, in Prussia, honorary canons receive a certain pension from the government. Cf. Santi, *loc. cit.*, p. 130. Therefore, it is certain that honorary canons do not have the right to distributions and other emoluments; however, they may be admitted to these, if it has been stipulated in their reception. Cf. De Herdt, *loc. cit.*, with Scarfantonio and Bouix cited by him. And therefore, an honorary canon does not cease to be such. The true patron of the canons is called "ACTA," vol. V, n. 5. — March 31, 1913.

[*Latin ed. p. 130*]

130 Acta Apostolicae Sedis. - Official Commentary. It is objected that these two honorary canons succeed to the place of two canons who were originally honorary, but subsequently became participants by order of Bishop Andrea Lucibello in the year 1830, and therefore, according to the original institution, they retain their original title and rights. But it is replied that it is necessary first to demonstrate that Bishop Sirolli, in the nomination of the canons Proia and Cecchinelli, intended to provide for them the two canonries established by Bishop Lucibello: which the patron of the canons neither affirms, nor can affirm. On the contrary, from the tenor of the Bulls, it is clearly evident that the Bishop nominated them expressly as honorary canons, and admitted them only to participation in the services. It does not obstruct that his predecessor admitted two honorary canons then existing to participation in the Mass: for what the Bishop Lucibello effected, the Bishop Sirolli, his successor, was not bound to do according to rule XI in 6: "Every thing, for whatever causes it arises, is dissolved by the same causes." Therefore, the second conclusion is that the two Anthony Proia and Seraphin Cecchinelli are merely honorary canons, and therefore no right belongs to them to stand in judgment.

Finally, with regard to the aforementioned Laureto Liberatore, although at first glance he appears to be an honorary canon, the contrary can be suffi-

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ciently and abundantly demonstrated, or even he himself can be considered among the participating canons. Indeed, the Bishop, with this nomination, intends to confer a vacant benefice. The words in the Bull are: "Since in the illustrious collegiate and parochial church of St. Stephen the protomartyr, a statutory canonry, which, through the death of the last holder, the Reverend Mr. Aemilius Grossi, who closed his earthly life on December 23, 1904, has become vacant and is presently vacant, we wish to provide..." Here, the Bishop not only calls this a statutory canonry, but also speaks of a true and real benefice. Furthermore, the Bishop wishes, by mandates and individually, that "you (Liberatore) be received as a canon of the aforementioned parochial church; that you be invested, and that you render fully and completely account of all revenues." In the Bulls of nomination of the two honorary canons, the Bishop speaks only of the revenues from the services, but not of all revenues. Moreover, while in the aforementioned Bulls a warning is given against those who may possibly resist the Bishop's will, in the present Bull the Bishop speaks "of the holder." The words are: "And so, we wish to transfer you to true, real, and corporal possession, removing from thence any other holder, and having first..." Here, it is a question of a true and proper benefice, which another might have held, not of mere dignity and honor. But it can be objected: if the Bishop intended to confer a true benefice, why did he not observe the laws of collation? It is established from the acts that the Bishop conferred...

[*Latin ed. p. 131*]

131 The Roman Rota. The aforementioned canonry was vacant after the long death of the Lord Æmilius Grossi. It can be conceded that the Bishop may not have observed the laws regarding the granting of the canonry, according to chapter % concerning grants. However, setting aside the possibility that the Bishop may have had a legitimate reason for postponing the granting, the error has now been corrected by the rule of three years' possession, according to Rule of the Cancellary 3, 6. Furthermore, it cannot be objected that the predecessor of the Lord Liberatore was an honorary canon, and therefore that the Lord Liberatore should also be considered an honorary canon; provided that this contradicts the authentic act, or the granting bull, where it is explicitly stated that it is not about an honorary canonry, but a statutory one. Moreover, the wording of the bull, as mentioned above, is an obstacle. It is therefore clear that the Lord Lauretum Liberatore obtained a statutory canonry, and not an honorary one, and therefore he is entitled to participate in the Mass and to have the right to bring a case before the court. With the preliminary question resolved, it would now be necessary to proceed to the merits of the case, or to answer the proposed doubts. However, the Most Reverend Fathers have noted that giving a solution to the prior doubt would be contrary to the will of the supreme legislator. For the Supreme Pontiff wished that these cases,

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which occur very frequently due to the promulgation of civil laws, should be resolved according to special norms, and for this purpose, He has given the Sacred Congregation of the Council special powers. This Congregation has issued a special decree on this matter, sent to all bishops. In this decree, which begins with "Ad dirimendas," under article V, the following is read: "Whether and how those who, after a supposed suppression of a collegiate chapter or clergy, are co-opted by letters from the bishop, should participate in the revenues, which, under the title of a vital pension, were paid to the existing capitulars or participants by the treasury?" And the answer is: "Generally speaking, negatively; but the particular circumstances must be considered." Also, under article seq., "Whether and how a parish priest, who has received goods for the Mass from the treasury under the title of a suitable parish, is obliged to put the same goods back into the Mass?" It is answered: "Generally speaking, affirmatively; but in practice, the bishop must take care to settle the matter; otherwise, appeal to the Sacred Congregation." From these answers, it is sufficiently shown that no certain rule is given for the solution of such questions, but on the contrary, we are warned to consider the particular circumstances, and to appeal to the Sacred Congregation of the Council for their solution. But what are the criteria of this Sacred Order for resolving these questions in individual cases, we know absolutely nothing, and therefore the present case, for the solution of the prior doubt, must be entirely referred to the aforementioned Sacred Congregation.

[*Latin ed. p. 132*]

132 Acta Apostolicae Sedis. - Official Commentary. Regarding another doubt concerning the matter, it is established that the administration of the subsidy, which is received by the archpriest Bernard Fraioli, pertains to him, because the Sacred Congregation of the Council granted him the faculty to administer those goods. In other words: "The Sacred Congregation of the Council of Trent, with the authority of Our Holy Father Pope Pius X, having considered the testimony of the Bishop of Sora, benignly granted to him the aforementioned faculties, as requested, with the aforementioned additions." The Bishop, in turn, granted this faculty with these words: "Having considered the faculties benignly granted to us, the petitioner may rejoice in what he has obtained, with the aforementioned conditions remaining in force. Given at Sora, in the Episcopal Curia, on July 5, 1907." Therefore, having diligently considered these matters in law and in fact, invoking the name of Christ, We, the undersigned Auditors, sitting in judgment and with God alone before our eyes, respond to the proposed doubts: To the preliminary question, concerning the doubt proposed: "Are the canons Franciscus Rea, Antonius Proia, Seraphinus Cecchinelli, Antonius Lucchetti, and Lauretus Liberatore participants in the mass, after the canon Franciscus Rea has passed away?" We respond: Affirmatively

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with regard to Antonius Lucchetti and Lauretus Liberatore; negatively with regard to Antonius Proia and Seraphinus Cecchinelli. Regarding the first doubt, we respond that it must be resolved entirely by the Sacred Congregation of the Council; regarding the second, we respond affirmatively in favor of the parish priest, stating that the exclusive administration of the subsidy, which is provided by the government for expenses of worship, pertains to him. Thus we declare, pronounce, and judge, deciding that the judicial expenses are to be borne by the parties. Therefore, we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session 25, concerning Reform, of the Council of Trent, using the executive and coercive means that are more effective and appropriate, according to the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on February 19, 1913. Fridericus Cattani. Antonius Perathoner. Iosephus Alberti, Presiding. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 133*]

Sacred Roman Rota. 133. BONAERENSE. CONCERNING A DEPRIVATION. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on the 8th of February, 1913, the Most Reverend Fathers and Doctors Franciscus Heiner, President; Ioannes Prior, and Aloisius Sincero, Auditors, in the case of Bonaerense – Concerning a Deprivation, between the plaintiff, Reverend Hector Dito, represented by his lawful procurator, Christopher Astorri, advocate, against the Reverend Chapter of Bonaerense, represented by his lawful procurator, Reverend Nazarenus Patrizi, advocate, rendered the following definitive sentence.

Reverend Hector Dito, from the diocese of Cassanensi, who had obtained from the Sacred Congregation a license of absence from his diocese for five years, was received a second time in the year 1909 among the chaplains choral, or mansionaries, of the cathedral church of Bonaerense (Buenos-Ayres), whose duty it is to assist the canons, and to celebrate the canonical hours and the conventual Mass. Because the chaplains choral, in fulfilling their office, could not celebrate Mass on Sundays and feast days in other churches or religious institutions in order to obtain greater alms, and because the Chapter wished to remedy this abuse, it unanimously decided that, in the future, only those priests who pledged themselves to celebrate Mass on Sundays and feast days in the cathedral church would be appointed to the office of chaplain choral, and that the current chaplains would be given the option of either celebrating Mass in the cathedral church, with a suitable provision for alms, or of renouncing their office as chaplains choral.

Reverend Dito, who was also a chaplain of the college and of the church of the Immaculate Conception, requested and obtained from the Chapter a

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reasonable time to deliberate. When, however, this priest, despite repeated inquiries from the Chapter, did not express his decision, the Chapter finally declared that he had, in fact and in law, renounced his office as chaplain choral, because, of his own free will, he had preferred to remain a chaplain of the college and of the church of the Immaculate Conception. But from this decision or declaration of the Chapter, Reverend Dito appealed to the Holy See, requesting that he be restored to the benefice of the chaplaincy in the cathedral church of Bonaerense. This cause was entrusted to the Most Holy Congregation to be decided in the first instance. However, in the course of the proceedings, it appeared that this was not a true ecclesiastical benefice, and therefore the petition of the plaintiff, who claimed a deprivation of a benefice, was...

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis. - Commentarium Officiale. he complained, and it is possible that he suffered from a vice called "obreptio." Therefore, even before the sentence was pronounced, a healing commission was requested and obtained from the pontifical authorities, for caution's sake. The very matter to be decided is under the following question: Whether it can be established that the priest in question was illegally removed from his office as a choral chaplain in this case. First of all, it must be noted that in this case, there is no question of a removal, but rather of an alternative or option offered and imposed upon all actual incumbents between the choral chaplaincy, with the obligation of celebrating Mass on Sundays and holidays, with a salary, and another chaplaincy, which they held outside the cathedral church. Therefore, the true and proper point of the question is whether the imposition of this new obligation was legitimately made by the cathedral chapter, and not in a removal from office. Although the Most Reverend Auditors wish to examine the case with respect to a removal, it must nevertheless be completely denied that there is any illegality in this case. Regarding the facts, the following must be stated: The choral chaplaincies, which are the subject of the dispute, are, in truth, genuine benefices. In the Bulla of the erection of the metropolitan church of Buenos Aires, dated March 5, 1863, the following definition is included, among others: "The Chapter of this 'new metropolitan church of Buenos Aires, as it previously existed, 'consists of five dignities, four canons and incumbents... We wish, 'however, that all the dignities, canons and incumbents of this metropolitan Chapter 'who actually exist, retain possession of their respective 'benefices..." Regarding the number of "incumbents" in this Bulla, nothing was specified. This was only done in the year 1867 by the first archbishop, the most illustrious Mariano Iosepo de Escalada, who, in his decree of execution of the Bulla of erection, established: "We erect ten 'incumbents or choral chaplains, who will be ecclesiastical 'benefices, as had been previously established, who are 'obliged to attend the choir daily 'in

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the morning and evening... The dignities, canons, incumbents, and other offices 'thus erected, enjoy the revenues assigned to them in the 'Law of expenses of the civil government (commonly, the 'budget), which will be considered as ecclesiastical 'revenues." However, the endowment for these ten chaplains, which was constituted from a small sum extracted from the amount assigned in the Law of expenses of the Republic to the service of the chaplains of the archdiocese, lasted only until the year 1894. In that year, a sum was indeed added in the same Law of expenses of the Republic for the choral chaplains, later increased by the Chapter, but only for two choral chaplains. Thus, it happened that from that year, the other eight chaplains were neither de jure nor de facto considered beneficed, but only as official servants. And in fact, only two...

[*Latin ed. p. 135*]

The Roman Rota. 135. Ten chaplains are currently in existence who have received a canonical collation from the hands of the Prelate, who conferred this benefit upon them as a title of ordination. It cannot be overlooked that the explanation presented by the Chapter, declared by the Archbishop to be true and not impugned by the plaintiff, states: "It must be kept in mind that, with us, an ecclesiastical benefice is commonly considered a title of ordination." Countless public documents could be cited to this effect. Furthermore, it is certain that there is no case in which the choral chaplaincies of this metropolitan church's cathedral, which have been declared by the Archbishop, as executor of the Bull of erection of the church, to be ecclesiastical benefices, have been canonically conferred by the Prelate upon priests already ordained (and all the more so upon non-native priests), but have been granted so many times without the intervention of the Prelate, nor as an ecclesiastical benefice, but as a simple, precarious office at his discretion. It has been definitively established that the priest Dito is not one of those ten who have been made beneficed, but is numbered among the other eight, none of whom received a canonical collation, indeed, not even a written appointment. Therefore, in law, it is established that the priest Dito was not a true and proper benefice, which follows spontaneously from the fact that, as demonstrated in the foregoing, the chaplaincy held by him was not a benefice in the legal sense. We are therefore dealing with a mere office which was conferred upon the priest Dito by the Chapter for an indefinite period. The strongest argument in favor of this decision is that these eight officials, including the priest Dito, were not provided with a benefice or office through a canonical collation, which is an essential condition according to the rule of law in 6°. Furthermore, this is confirmed by the fact that the Chapter has the power to admit them provisionally and for a trial period of one month (Constitution of the Chapter, approved June 16, 1902, article 90), and by the fact that the plaintiff priest himself only had the right to reside in the diocese of Bonaëren for a limited time. Finally,

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this is also demonstrated by the unanimous and consistent practice from the very beginning of the erection of the metropolitan church of Bonaëren, as testified by the Ordinary in his written report submitted to the Chapter. This unanimous and peaceful practice, as De Luca teaches (De benef., disc. 1, n. 18, 39; disc. 19, n. 11; disc. 27, n. 17), is securely interpreted as an Indult and Apostolic Constitutions. Nor does what the patron of the priest Dito objected reveal: that these benefices, which were conferred by the Bull of erection, could not be made visible, or manual, by capitular Constitutions, which derive their force and authority from the very Bull of foundation, and which, consequently, cannot abrogate them. For although secular benefices are presumed to be perpetual, because perpetuity is a quality proper to a secular benefice.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis. - Official Commentary. According to I. de Const., in 6°, it is nonetheless permissible for certain secular benefits to be instituted as revocable at the will of the grantor; indeed, they may even be granted for a time by a special statute or custom, as canonists with Gare teach, p. L, n. 71, 72, 73. Furthermore, the argument that the patron of the priest, Dito, derives from the name of the ecclesiastical benefit, which is granted to these mansionaries, is not valid. For it is known in law that even manual benefits, although not benefits properly so-called, can, in certain cases, fall under the name of a benefit, as Pichler and other canonists teach. Similarly, the objection that the perpetuity of an essential benefit cannot be reconciled with its revocability at the will of the grantor is not persuasive. For the perpetuity that is essential to a benefit is that which the doctors call objective; while the subjective perpetuity, or that which pertains to the beneficiaries, is essential in benefits properly so-called, or titular benefits, but not in manual benefits, which nevertheless can also fall under the name of a benefit. Nor is the argument derived from the peaceful possession of three years in the benefit obtained by the priest, Dito, effective. This rule of the 36th article of the Apostolic Chancery concerning three-year possession cannot be invoked in this case, because that rule pertains to a titular benefit, and this possession certainly cannot change the nature of a benefit from manual to titular. Moreover, from what has been said, it also follows that the argument derived from the granting of mansionaries as a title of ordination is invalid. It must be plainly conceded that these benefits ought to be perpetual. But the very argument itself concludes *a contrario* that other mansionaries are not perpetual benefits. The RR. PP. DD. Auditors reach the same conclusion if the controversy is considered from another point of view, namely, from the point of view of a new burden or new obligation imposed by the benefit, contrary to the provisions of the law, which are contained in the canon: "That ecclesiastical benefits be conferred without diminution" (Decret. Greg. IX, l. III, tit. 12). For the

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benefit in question is not a benefit truly and properly so-called, or a titular benefit, but a benefit improperly so-called, or a manual benefit; therefore, those who hold such a benefit are revocable at the will of the grantor, and can be removed, according to the common teaching of the authors, if there is a just and proportionate cause, and if malice or hatred are absent, and if consideration is given to the reputation of the one removed. From this, the only question that remains to be resolved is: Was there in this case a just and proportionate cause for removing the priest, Dito, from the office of choral chaplain? But to this question, an affirmative answer must be given. There can be no question of malice or hatred on the part of the Chapter towards the plaintiff, nor of the loss of his reputation due to the removal carried out.

[*Latin ed. p. 137*]

The Roman Rota. 137. The General Chapter has applied the same rule to all choral chaplains, granting them the office without any benefit. Indeed, the rule which prefers priests for the office of mansionary who have obligated themselves to celebrate the Holy Mass in the cathedral church on Sundays and feast days, when examined, is just, and it prevails even in other churches, where those chaplains were always preferred for the daily service, who were able to perform service in those same churches on Sundays and feast days. It was the duty of the Chapter to ensure the fulfillment of the duties assumed by the mansionaries, among which was the daily attendance at the choir. The Chapter writes: "From such an accumulation of duties, it happened that these mansionaries were absent from the choir precisely on those days in which their presence was most needed. One of the aims which it proposed in the alternative option was: to provide more securely for the attendance of choral chaplains on these days." The incompatibility of both offices is likely, and, given the testimony of the Chapter and the Ordinary, it should be presumed unless the contrary is proven. The defendant does not attempt to prove the contrary. However, it is incumbent upon him to prove that there was no just cause (Pignatelli, consult. 143, n. 34, 35, vol. 9). The celebration of Mass in the cathedral church on Sundays and feast days was indeed a new duty, but it corresponded to a suitable salary. Perhaps the priest Dito considered this salary insufficient for the new duty, but he could have insisted with the Chapter to have it increased. Furthermore, the Chapter also had to ensure that a sufficient number of Masses were celebrated in the cathedral church on Sundays and feast days, and it seemed, in no better way, given especially the reason of prudent and economical administration, to be able to provide for this necessity, than by imposing this duty on the mansionaries, who were obliged to attend the choir daily. Finally, the priest Dito's patron argues also from synallagmatic contracts. But, as demonstrated above, given and not conceded that we are dealing with a true contract which merely takes on the na-

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ture of a private agreement, this contract was rescindable at the will of the Chapter, without any observance of cause or law. Therefore, the option granted resolves, in substance, into the resolution of the contract, and a new agreement with new conditions; therefore, everything is perfectly legitimate. Therefore, considering everything in the present case, both in fact and in law, in the proposed doubt: Whether the priest Dito was illegally removed from the office of choral chaplain; We, the undersigned Auditors of Tournon, invoking the name of Christ, sitting for the tribunal and having only God before our eyes, decide, declare and sentence: Negatively, that is, that the priest Dito was not illegally removed from his office.

[*Latin ed. p. 138*]

138 Acta Apostolicae Sedis. - Official Commentary. Furthermore, the priest Dito is to be condemned to pay all the expenses and honoraria of the opposing party's advocate, because his action was founded on no basis, and therefore was reckless. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to which this pertains, to execute this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV, concerning reform, of the Council of Trent, using the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, in the seat of the Holy Tribunal, on the 8th of February, 1913. Franciscus Heiner, Prefect. Ioannes Prior. Aloisius Sincero. T. Tani, Notary. APOSTOLIC SIGNATURE. Regarding the RESTORATION TO INTEGRITY AND RIGHTS. Between Reverend Father Eugene Barontini, parish priest of the church of Saint Mark in the Plebis of Nebulae, the plaintiff, represented by his legitimate procurator, Angel D'Alessandri, advocate; and Reverend Father John Paponi, prelate of the church of Saint Peter of Montecatino, the defendant. In Etruria, near the town of Montecatini, today famous for its baths, and Monte Summano, along the river Nebulae, there exists a church, formerly dedicated to Saint Peter the Apostle. The first mention of this church appears in a certain judgment of Ultian Notarius, the text of which is reported by L. A. Muratori, in the year 716, in which it is called "Basilica S. Petri, locus," where it says "Neure," whose priest Vitalianus, in a certain dispute concerning boundaries between the Bishop of Lugano and the Bishop of Pistoia, "testifies" that the churches of Saint Andrew, with its baptistery, and of the Holy Jerusalem, "from Roman times until now, have always been under the jurisdiction of the church of Saint Peter, and therefore they are adjudged to the Bishop of Lugano."

[*Latin ed. p. 139*]

Apostolic Signatura. 139. Near this ancient church, which stands on a neighboring hill, is the town of Montiscatini. It appears to have been a simple village in the year 1017, but with the passage of time, it began to

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grow; subsequently, it was surrounded by walls, a rampart, and fortifications, and gained increasing importance. It seems that, due to this proximity, the church of St. Peter near the Nebulae marsh (commonly called simply "of Montiscatini") began to be referred to indiscriminately as "of Montiscatini"; and in some documents that could be considered official, the name of the nearby town was also applied to it. Thus, in the year 1368: "The parish of St. Peter near the Nebulae marsh, called of Montiscatini," and "The parish of St. Peter near the Nebulae marsh, otherwise of Montiscatini." Although, in fact, at that time, namely in the year 1368, another church already existed in that town, dedicated to the Archangel St. Michael, in which the parish priest of the church near the Nebulae marsh sometimes resided; nevertheless, the name of the parish of St. Peter near the Nebulae marsh undoubtedly always referred to the same church, which today is called St. Mark's at Nievole, so that this latter was recognized as a daughter parish of the former. Indeed, the documents clearly show that, until perhaps the year 1017, there was only one and true parish church, that is, the mother parish, in the entire territory subject to the present-day contending parishes, namely the church called St. Peter near the Nebulae marsh, because of its location in the valley and near the Nebulae river. However, with the passage of time, things appeared to have changed so much that it is easily understood that the parochial administration of the mother church of St. Peter the Apostle near the Nebulae river passed to the church within Montiscatini, and that the rector of the ancient parochial and mother church of St. Peter the Apostle near the Nebulae marsh, probably not of his own accord, but constrained by circumstances and the times, and with the approval of his proper Ordinary, or at least without opposition, established his own parish in the church at Montiscatini. Thus, the parochial church of Montiscatini, endowed with the status of a mother church, gained honor and revenues; the former church of St. Peter near the Nebulae marsh, diminished in importance and made a daughter church, also lost the honor and revenues of being a parochial church. The Ordinary, desiring to help the miserable condition of this church and to meet the needs of the place, in the year 1782, the Bishop of Pescia, at that time Francis Vincenti, issued a decree, by virtue of which the humble and poor church near the Nebulae marsh, then called St. Mark's, which, as a daughter church, had remained subject to the parochial church of Montiscatini with a certain pastoral care to be exercised by the parish priest, was truly restored and erected to the dignity and nature of a parochial church. In the decree, the Bishop states: "By the present decree (that is, by the 'dispositions') and in every other suitable way and form, legally and..."

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis. - Official Commentary. "Especially considering what was granted by the most holy Council of Trent, we decree and

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declare that the entire spiritual administration of souls of the parish church of Saint Mark the Evangelist in the Plebis of Nebulae shall be restored, and brought to a better form anew. Therefore, we establish one priest or parish priest in it, who shall henceforth be immovable and perpetual... and to whom the full charge of the entire parish church and people is entrusted... and we grant him all rights... etc." These matters, having been established for one hundred and twenty-five years, in the year 1907, the parish priest of the church of Saint Mark in Nebulae, Eugenius Barontini, in order to defend certain rights, as he himself stated, which had been unjustly attributed to the parish of Saint Peter in the town of Monticatini, initiated an action. This, in fact, was what he requested: 1. That the Holy Congregation of the Council declare the decree of His Holiness, Pope Francis Vincent, Bishop of Pescia, to be invalid and void, at least insofar as it overturned the rights and privileges of his church. 2. That his church, dedicated to Saint Mark the Evangelist, should regain its ancient name of Saint Peter. 3. That all patrimonial goods belonging to the church of Monticatini, except for what is deemed fitting and proper, should be returned to his church (from Nebulae), together with the right of matriculation and patronage. Therefore, the question before the Holy Congregation of the Council was: "Whether and how the petitions of the parish priest of Saint Mark, or Saint Peter, in the Plebis of Nebulae, should be admitted or rejected in this case?" And the Most Eminent and Reverend Fathers, in plenary sessions on May 14, 1910, responded: "Negatively to the first part; affirmatively to the second, and moreover." However, the plaintiff, Eugenius Barontini, parish priest of Saint Mark in Nebulae, did not agree with this decision; and, with the presentation of several other historical documents, he supplicated His Holiness to grant him a pontifical commission, through which the case could be argued again before the Supreme Apostolic Tribunal. Having obtained this, the case of the Pescia Restitution in its entirety and the matter of Rights was thoroughly examined in a plenary session of the Supreme Tribunal held in the buildings of the Vatican on March 1st of that year, with the Most Reverend Father, Cardinal Peter Gasparri, as the relator; and the questions were proposed, partly ex officio, partly agreed upon between the plaintiff and the defendant, namely: 1. Is there a basis for restitution in this case? 2. Which of the two actual parishes, namely Saints Peter and Mark in Nebulae, or Saint Peter in Monticatini, was the ancient parish of Saint Peter from Nebulae, also called Monticatini, and which is the native matrix of the other?

[*Latin ed. p. 141*]

Secretariat of State. 3. In the case? and how? Regarding the Decree. 4. How should the rights and needs of the parish of Saint Mark in Marquise be considered in the case of Bishop Vincent of the year 1782? The response from the Emissaries was: 1. Negatively. 2. and 3. Provision is made in I. 4.

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Write to the Bishop of Piscien, according to the following: It is understood that, if it should be duly established before the Episcopal Curia that the provisions of the parish of Saint Mark in Nebulam are insufficient, the Bishop shall act as he is entitled to, providing for suitable remedies, either through his own jurisdictional authority, or, if necessary, by requesting the necessary faculties from the competent Sacred Congregation. Furthermore, the judicial expenses are to be borne equally by the parties. The aforementioned Tribunal decreed thus: And it was promulgated, pronounced, decreed, declared, and definitively judged; and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it pertains, not only, etc., but also by all, etc. Given in Rome, from the halls of the Holy Tribunal, on the fourteenth day of the month of March, in the year 1913. Nicholas Marini, Secretary.

LETTER. TO R. D. CANON B. GAUDEAU, EDITOR OF THE PERIODICAL « LA FOI CATHOLIQUE», WHO REVERENTLY PRESENTED TO THE MOST BLESSED FATHER, THE ENTIRE COLLECTION OF SAID PERIODICAL, CONSISTING OF TEN VOLUMES, AS A FILIAL ACT OF DEVOTION.

Monsieur le Chanoine, The Holy Father, Pope Pius X, has charged me to express to you his particular satisfaction regarding the tribute of the ten volumes that form the collection of your very meritorious periodical « La Foi catholique ».

[*Latin ed. p. 142*]

Acta Apostolicae Sedis. – Commentarium Officiale. Sa Sainteté a pris connaissance de ce travail important, qui contient un commentaire fidèle des actes doctrinaux du Siège Apostolique pendant les six années écoulées depuis la fondation de votre Revue. Le Saint-Père vous adresse ses félicitations particulières pour votre ardeur à établir la vérité et à démasquer l'erreur sous toutes ses formes, pour votre explication éclairée de la lettre sur le « Sillon », pour votre persévérance à défendre les principes immuables du droit naturel, fondés sur la raison et la religion, principes trop négligés dans beaucoup d'esprits, mais pourtant nécessaires dans la lutte contre les maximes désastreuses du socialisme, du collectivisme et d'un syndicalisme qui nie la religion et détruit les droits de l'individu, de la famille, et de tout l'ordre de la justice et de la charité. Votre science perspicace montre avec raison l'origine de ces erreurs dans l'agnosticisme d'une fausse philosophie qui nie la valeur de la raison humaine et lui refuse le pouvoir de connaître un Dieu personnel et créateur. C'est en prouvant avec évidence qu'une philosophie anti-intellectuelle est irrévocablement anticatholique, parce qu'elle sape par les fondements la foi, que vous démontrez victorieusement, pour ceux qui cherchent sincèrement la vérité, la nécessité de s'attacher d'une manière inébranlable à la philosophie traditionnelle et scolastique. Félicitant et remerciant pour la fermeté et la clair-

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voyance avec lesquelles vous combattez pour la cause de la foi catholique, le Saint-Père demande au Seigneur de soutenir vos efforts et votre courage, afin que votre Revue non seulement maintienne la fécondité des six premières années, mais qu'elle se développe encore et qu'elle se répande le plus possible à travers le monde, notamment parmi le jeune clergé. Il a été très agréable à Sa Sainteté d'apprendre en même temps les progrès et les fruits de l'« Union spirituelle sacerdotale pro Fide », dont les membres s'engagent spécialement à la conservation et à l'intégrité de la foi en eux-mêmes et chez les autres, et Il fait des vœux pour que cette Ligue recrute de plus en plus d'adhérents. Au fondateur de la Revue Catholique et de l'Union pro Fide, aux collaborateurs de la Revue, aux membres de l'Union, le Saint-Père accorde de cœur la bénédiction apostolique. Veuillez agréer, Monsieur le Chanoine, avec toute ma gratitude pour les volumes que vous m'avez offerts, l'expression de mes félicitations et de mes sentiments bien dévoués en Notre Seigneur. Le 11 mars 1913. R. CARD. MERRY DELVAL.

[*Latin ed. p. 143*]

143 Diary of the Roman Curia. DIARY OF THE SECRETARY OF STATE. APPOINTMENTS. By a letter from the Secretary of State, the Holy Father has deigned to appoint: March 15, 1913. — Mr. Major Giovanni Battista Di Pietro, Commander of the Honorary Papal Guard. By Apostolic Briefs, the Holy Father has deigned to appoint: Domestic Prelates of His Holiness: March 12, 1913. — Monsignor Simone Vaiò, canon of the archdiocese of Strigonia. — Monsignor Alessandro Gaibl, canon of the same archdiocese. March 14. — Monsignor Giuseppe Kuchynka, dean of the Collegiate Church of Vysehrad, in the archdiocese of Prague. By letters from the Secretary of State, the Holy Father has deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: March 12, 1913. — Monsignor Emanuele Lanzerini, of the archdiocese of Bologna. March 17. — Monsignor Giovanni Waechter, of the archdiocese of Friburgo (G.). — Monsignor Francesco Massironi, of the archdiocese of Milan. March 22. — Monsignor Giorgio Hemmerich, of the diocese of Würzburg. Honorary Chamberlains in purple of His Holiness: January 27, 1913. — Monsignor Antonio Li Destri, of the diocese of Caltagirone. March 12. — Monsignor Giovanni Wirtz, of the archdiocese of Colonia. — Monsignor Giulio Mueller, of the diocese of Münster. Honorary Chaplains beyond the city of His Holiness: March 10, 1913. — Monsignor Luigi Palua, of the archdiocese of Vienna. March 13. — Monsignor Pio Fiore, of the archdiocese of Gaeta.

[*Latin ed. p. 144*]

144 Acta Apostolicae Sedis. - Official Commentary. Chamberlain of the Sword and Cape, extraordinary, of His Holiness: February 27, 1913. - The Most Reverend Count Sisto Ruffo de Bonneval de la Fare, of the archdiocese of Malines. Chamberlain of Honour of the Sword and Cape, extraor-

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dinary, of His Holiness: March 24, 1913. - The Reverend Mr. Lucio Suttor, of the archdiocese of Paris. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class. March 13, 1913. - To the Reverend Mr. Francesco, of the Marchi Serlupi family, Major Knight of His Holiness. The Knighthood of the Order of Saint Gregory the Great, civil class: March 12, 1913. - To the Most Reverend Mr. Pietro Brac de la Perrière, of the archdiocese of Lione. - To the Most Reverend Mr. Luigi Gindre, of the same archdiocese. The Knighthood of the Order of Saint Sylvester the Pope: February 18, 1913. - To the Most Reverend Mr. Giovanni Cassio, residing in Rome. NECROLOGY. March 22, 1913. - The Most Reverend Cardinal Pietro Respighi, General Vicar of His Holiness. March 23. - The Most Reverend Monsignor Giuseppe Pozuelo y Herrero, Bishop of Cordova.

[*Latin ed. p. 145*]

Year V. - Vol. V. April 16, 1913. No. 6. Official Commentary of the Apostolic See. ACTS OF POPE PIUS X. BY PAPAL BULL, A COADJUTOR IS ADDED TO THE PRIMATE ABBOT OF SAINT ANSELM OF THE CITY. By the Apostolic Letters "Summum semper," dated the tenth day of July in the year 1893, Our Blessed Predecessor, Leo XIII, for the singular charity with which the venerable Father Benedict had fostered the Order of Saint Benedict, decreed that all Congregations of the Benedictines, which are called "Unites," should enter into a fraternal bond – while preserving the constitutions, rights, and privileges of each monastery – and that the Primate Abbot, who resides in this venerable City, should preside over them, and attend to the affairs which directly pertain to the good and benefit of the entire Order. However, since the Pope reserved the right to choose the Primate Abbot, in those very Apostolic Letters, the Pope chose the esteemed son, Hildebrand of Hemptinne, who then was the Abbot of Maxedoli, from the Beuron Congregation, subject to the condition that he would hold this honorable office for as long as he pleased the Pope and his successors. Indeed, that excellent man fulfilled all expectations; for he sustained the office he had so diligently accepted for almost twenty years, and he devoted himself so diligently to the advancement of the Anselmian community, that...

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis. - Official Commentary. and has been most pleasing to his Order. — Now, affected by his health, for which nothing will be more beneficial than complete rest from labor, according to the judgment of the physicians, he requests that We allow him to relinquish his office. Which, because We grieve at the merits of this man, and We do not despair of his being able to recover, We, with a Motu Proprio and certain knowledge of the situation, decree that to our beloved son Hilde-

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brand of Hemptinne, the title of Primate and Abbot of the holy Anselm of the City, together with all rights and privileges attached to that title, shall belong as long as he lives, with the added faculty of residing wherever he may wish, or where the physicians deem it advisable; furthermore, We wish that a Coadjutor be appointed to this Primate, with the right of succession, who, residing at the monastery of Saint Anselm, shall carry out all the duties of the Primate and shall consult with the college of the holy Order above all. Therefore, since the crypt of Saint Benedict at Monte Cassino is to be dedicated next month of May, We authorize all and each of the Presidents and Abbots of the Congregations who possess the right of suffrage according to the aforementioned Apostolic Letters, to convene in Rome, taking advantage of this opportunity, which is certainly most distinguished, to elect such a Coadjutor, whom they shall, in the meantime, honor with the simple title of Abbot. And We believe that We have decreed this opportunely, so that, while protecting the dignity of our beloved son Hildebrand of Hemptinne, a man who has deservedly earned the esteem of the Benedictine Order, and who We trust will be diligently employed by the members of the Benedictine Order for the common benefit of their Congregations. Given at Rome, near the blessed Peter, on the twenty-fifth day of the month of January, in the tenth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 147*]

147 Acts of Pope Pius X, i. ADDRESS TO THE FAITHFUL WHO, ON THE OCCASION OF THE CELEBRATION OF THE CONSTANTINIAN EDICT, HAVE VISITED THE MOTHER CITY OF PERUGIA. Your presence, O beloved children, fills Us with great joy, because, while throughout the Catholic world the sixteen-hundredth anniversary of the recognition and protection of the freedom that Jesus Christ granted to His Church is commemorated, it was fitting that the faithful sons of those who first enjoyed the fruits of that salutary Edict should be among the first to demonstrate their rejoicing and their devotion to the Chair of Peter. Therefore, We share in your rejoicing, because with this act you demonstrate the spirit that animates you and your desire that the time may return when the Church was permitted to enjoy that freedom, which is necessary for it to fruitfully exercise its ministry for the good of souls and of society. For it is most grievous that, while We give thanks to divine Providence for having called Constantine from the darkness of paganism, so that he might erect temples and altars to that Religion which his predecessors for three centuries attempted to exterminate, and for having restored to the Christians the goods that had been usurped, and for having granted to Christianity full religious freedom, We must, in this so-called progress of civilization and in this great light of science, vainly demand from even Christian governments that freedom which they themselves recognize, or ought to recognize, as

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necessary for the Church to carry out its supernatural mission on earth. The Church, this great religious society of men who live in the same faith and in the same love under the supreme guidance of the Roman Pontiff, has a higher and distinct purpose from that of civil societies, which tend to achieve temporal well-being here below, while it aims at the perfection of souls for eternity. The Church is a kingdom, which does not...

[*Latin ed. p. 148*]

148 Acta Apostolicae Sedis. - Commentarium Officiale. He knows no master but God, and has a mission so exalted that it transcends all limits, forming a single family from all peoples of every tongue and every nation; therefore, it cannot even be supposed that the kingdom of souls is subject to that of bodies, that eternity becomes an instrument of time, that God Himself becomes a slave to man. For Jesus Christ, the eternal Son of the Father, to whom all power in heaven and on earth has been given, imposed this mission upon the first ministers of the Church, the Apostles: "As the Father hath sent me, so I send you; Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; teaching them to observe all things whatsoever I have commanded you. And behold, I am with you all days, even to the consummation of the world." Therefore, the Church has from God Himself the mission of teaching, and its word must reach the knowledge of all without obstacles that hinder it, and without impositions that restrain it. For Christ did not say: "Let your word be directed to the poor, to the ignorant, to the turbulent;" but to all without distinction, because in the spiritual order you are superior to all the powers of the earth. The Church has the mission of governing souls and administering the Sacraments; and therefore, as no one else for any reason can claim to enter the sanctuary, it has the duty of rising up against anyone who, with arbitrary interferences or unjust usurpations, seeks to invade its domain. The Church has the mission of teaching the observance of precepts and of exhorting to the practice of evangelical counsels, and woe to anyone who teaches the contrary, bringing disorder and confusion into society. The Church has the right to possess, because it is a society of men and not of angels, and it needs the material goods received from the piety of the faithful, and it preserves the legitimate possession thereof for the fulfillment of its ministries, for the external exercise of worship, for the construction.

[*Latin ed. p. 149*]

Acts of Pope Pius X, 149: concerning the rights of temples, for the works of charity entrusted to them, and for their survival and perpetuity until the consummation of the ages. And these rights are so sacred that the Church has always felt it her duty to uphold and defend them, knowing full well that if she yielded even slightly to the demands of her enemies,

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she would fail in the mandate received from Heaven and would fall into apostasy. Therefore, history reveals a series of protests and claims made by the Church against those who sought to enslave her. Her first word to Judaism, spoken by Peter and the other Apostles: "It is necessary to obey God, rather than men" (Acts v, 29). This sublime word has always been repeated by their successors and will be repeated until the end of the world, even if it must be affirmed with a baptism of blood. And our very adversaries are so convinced of this, that they declare, in words, that all sorts of freedom exist under their banner; indeed, freedom, or rather license, is for all, but not freedom for the Church. Freedom for each individual to profess his own cult, to manifest his own systems; but not for the Catholic, as such, who is subjected to persecution and mockery, and is not promoted, or is deprived of those offices to which he has a sacred right. Freedom of teaching; but subject to the monopoly of the Governments, which allow in the schools the propagation and defense of every system and every error; and even forbid children from studying the Catechism. Freedom of the press, and therefore freedom for the most virulent journalism to insinuate insults against the laws, to incite the populace to sedition, to foment hatred and animosity, to hinder the well-being of workers and the peaceful life of citizens through strikes, to revile the most sacred things and the most venerable people; but not for Catholic journalism, which, while defending the rights of the Church and promoting the principles of truth and justice, must be monitored, called to duty, and regarded by all as opposed to free institutions and as an enemy of the homeland. To all associations, even those most subversive...

[*Latin ed. p. 150*]

150 Acta Apostolicae Sedis. - Official Commentary. Regarding the liberty of public and clamorous demonstrations; processions of Catholics should not proceed from the churches, because they provoke opposing factions, disrupt public order, and disturb peaceful citizens. Freedom of ministry for all, including schismatics and dissenters; but for Catholics only when the ministers of the Church in the country to which they are sent do not have even a single powerful individual who imposes himself upon the government, which prevents their entry and exercise [of their ministry]. Freedom of possession for all; but not for the Church and for religious orders, whose goods are arbitrarily violated, converted, and given by the governments to secular institutions. This, as you well know, is the freedom that the Church enjoys even in Catholic countries! And therefore, we have good reason to console ourselves with you, who demand it, striving for it within the sphere of activity that has been granted to you thus far. Courage, therefore, you beloved children; the more the Church is opposed from every side, the more the false maxims of error and moral perversion infect the air with their pestilent miasmas, the greater merit you will gain before God, if you

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make every effort to avoid the contagion and do not allow yourselves to be swayed from some of your convictions, remaining faithful to the Church. And with your steadfastness, you will contribute to a very fruitful apostolate, persuading opponents and dissenters that the freedom of the Church will wonderfully contribute to the health and tranquility of the people, because, exercising the divine ministry entrusted to it, it will preserve intact and in force the principles of truth and justice, upon which every order rests, and from which peace, honesty, and all civil culture spring forth. In this struggle, difficulties, annoyances, and labors will certainly not be lacking; but take care not to lose heart, for the Lord will support you in the struggle, bringing you abundant assistance of heavenly favors. And may this be a pledge of the Apostolic Blessing, which we impart from the depths of our heart to you and to all your loved ones. We also bestow all indulgences upon the objects that you carry with you, and we grant to the Parish Priests and the Superiors of the Institutes, and to...

[*Latin ed. p. 151*]

Acts of Pope Pius X, 151. To the Confessors of Religious Communities, the faculty to impart, once, the Apostolic Blessing, together with a plenary Indulgence for all who confess and receive Holy Communion. The Blessing of Almighty God, the Father, and the Son, and the Holy Spirit, descend upon you, and remain always. APOSTOLIC LETTERS. I. FACULTY TO CELEBRATE THE PONTIFICAL SACRAMENT AT PAPAL ALTARS. PIUS P. X. To all the Christian faithful who shall read these Letters, greetings and the Apostolic Blessing. — Since this year, to commemorate the centenary of that event by which the Church of Christ was given peace and liberty by the Emperor Constantine, solemn festivities are to be held throughout the world, and also in this beloved City, We desire to add a special distinction to these solemn festivities. Therefore, We decree that on certain days, some of Our venerable Brothers, Cardinals of the Holy Roman Church, shall celebrate the Sacred Liturgy at the principal altars of the Basilicas of the City. In order that they may do so fully and lawfully, by Our Apostolic authority, We grant and impart to the same Most Reverend and Most Illustrious Cardinals who shall be designated to celebrate these Sacred Liturgies, permission that this year, at the Papal altars, namely, at the Archbasilica of the Lateran, and at the patriarchal Basilicas of the Vatican, Ostia, Liberian, and of Saint Lawrence outside the walls, the same Cardinals may lawfully celebrate Mass and other Divine services with solemn rite in Our absence. Notwithstanding Our Constitutions and Apostolic Ordinances, and all other contrary things whatsoever. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-seventh day of March, in the year 1913, in the tenth year of Our Pontificate. R. CARD. MERRY DELVAL,

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Secretary of State.

[*Latin ed. p. 152*]

Acta Apostolicae Sedis. - Official Commentary. 152. THE FACULTY OF ESTABLISHING SOCIETIES DEDICATED TO THE DIVINE INFANT OF PRAGUE EVERYWHERE PERMANENTLY. PIUS PP. X. For the perpetual memory of this matter. — Our beloved son, the present Superior General of the Order of Discalced Carmelites, who for nearly three centuries, that is, since the year 1628, has had a small statue of the Divine Infant placed for the veneration of the faithful in the monastery of St. Mary of Victory, of his own Order, in Prague, informs Us. Furthermore, the same Superior General states that the piety of the faithful towards the Child Jesus, which from the earliest times has been wonderfully remarkable, has not only persevered, but has, to the present day, continually increased, and that now, under the title of the Divine Infant of Prague, numerous altars are found in churches, especially in the monasteries of the Order of Carmelites, and canonically established sodalities; and that throughout the entire world, images and medals of the Divine Infant of Prague are widely diffused, as well as writings printed by means of the press concerning the same. Now, this devotion can rightly and justly be considered the property of the Order of Carmelites, since in the aforementioned monastery, the religious brothers of the Order of Carmelites, namely, Blessed Cyril of Matre Dei, initiated the work, and the members of that Order have been active propagators of this devotion, to whom the faithful turn, whether to enroll in the pious union, or to seek assistance for their piety, or to offer prayers before the altars of the Divine Infant. Therefore, the aforementioned Superior General earnestly requests Us to grant him permission, so that he may be able to properly establish a pious sodality dedicated to the Divine Infant of Prague, both in the churches of his own Order, and in other churches throughout the world, with the consent of the respective Ordinary. We, approving of these requests, and having considered, in particular, the opinion of the Most Reverend Fathers and Lords, Cardinals, of the Congregation for the Interpretation of the Decrees of the Council of Trent, by Our Apostolic authority, in the present document, and permanently, We grant to the present Superior General of the religious Order of Discalced Carmelites, the faculty, by virtue of which he may establish and be able to establish a sodality under the title of the Divine Infant of Prague, in any church, whether of his own Order or a public church, with the consent of the respective Ordinary, everywhere throughout the world; provided that the prescribed form be observed, as set forth in the Constitution of Pope Clement VIII, of blessed memory, Our predecessor, which begins with the words "Quaecumque," and other apostolic ordinances issued above, and entirely free. This We grant and command, decreeing that these Our letters shall always remain firm, valid, and efficacious, and shall remain in their full and complete

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force.

[*Latin ed. p. 153*]

153 The acts of Pope Pius X, having effect, and to be maintained, and to apply fully to those to whom they pertain, or may pertain in the future, must be judged and defined with all due propriety, and must become invalid and void if, concerning these matters, anything should be attempted by anyone, with any authority whatsoever, knowingly or unknowingly. Notwithstanding all contrary things. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the thirtieth day of March, in the year 1917, in the tenth year of Our Pontificate. R. CARD. MERRY DEL VAL, Secretary of State. LETTER TO THE ILLUSTRIOUS MAN, MEMBER OF THE INSTITUTE, COUNT EMMANUEL MODERANDO, PRESIDENT OF THE "CATHOLIC SEAMEN'S HOME" AND SIMILAR INSTITUTIONS. Beloved son, greetings and the apostolic blessing. — In the great and joyous variety of pious works which, by the grace of God, we observe flourishing throughout the Church in our times, it would be most regrettable if Catholic sailors were to be overlooked by Catholic endeavors, for whom the distinctions of eternal salvation are all the more frequent, and the supports of religion all the more necessary. The group to which you preside has undertaken a most useful and desirable work, and, as we have learned, with such wise counsel that in the buildings which it wishes to open to sailors in the most famous maritime ports, there will be an abundance of priestly ministry available to those who seek it, and that nothing will be lacking for those who gather there, so that they may be protected from wicked habits and may relax their minds honorably. Such a type of provision is of great value in attracting and distributing the benefits of Christian charity, if those who are in charge are moved by eager and prudent charity. We trust that this will be the case. At present, it is Our duty to, while congratulating you on the excellent intentions of your brothers, bestow upon them the deserved praise, those who are included in the group mentioned above, and who have been helpers with you in establishing and promoting this so salutary undertaking. We urge all of them to continue to devote their talents and their efforts to this same purpose; this will certainly bring abundance of divine blessings to each of them. May the apostolic blessing, which We impart to you, beloved son, and to all of them, remain with you always in the Lord. Given in Rome, at St. Peter's, on the twenty-ninth day of March, in the year 1917, in the tenth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 154*]

154 Acta Apostolicae Sedis. - Official Commentary.

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE (SECTION D, CONCERNING INDULGENCES)

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I. DECREE.

An indulgence is granted to those who recite the following pious prayer for the more abundant imploring of missions.

Dated February 27, 1913.

Our Most Holy Lord, Pope Pius, of blessed memory, Pope X, having granted an audience to the Reverend Father, Assistant of the Holy Office, and graciously approving the prayers of the Superior of the Province of Belgium of the Most Holy Redeemer, has, with paternal kindness, granted an indulgence of three hundred days, applicable also to the souls suffering in Purgatory, which may be obtained once a day by all the faithful, who, in places where missions are about to be held, having been duly announced by the parish priests, shall recite the following prayer, at least with a contrite heart, before said missions begin.

This present decree is valid forever, without any further brief.

In contradiction to whatever may be to the contrary.

"Most Holy Redeemer, O Jesus, our Master and our King, it is to your divine Heart, ocean of love and goodness, that we owe the inestimable benefit of a mission.

"Moved by compassion at the sight of our miseries and the eternal misfortune that threatens us, you resolved to save us.

"The missionaries who will come to us are your messengers: it is from you that they will dispense to us the bread of the divine word, and they will bring us the joy of forgiveness.

"Make it so, O Lord, that, faithful to your grace, we may respond with eagerness to the promptings of your mercy.

"May the preaching of your eternal truth brightly illuminate our minds and deeply touch our hearts, so that we may understand our errors and make a sincere repentance.

"To the poor souls plunged into the darkness of ignorance and error, grant the light of faith. To those who have con-

[*Latin ed. p. 155*]

Most Holy Congregation of the Holy Office. To those burdened by a life of iniquities, grant the grace of true conversion. To the lukewarm, grant fervor; to the just, progress in virtue. "Send your Holy Spirit to all, and the face of this parish will be renewed." "And you, O Mary, Virgin Immaculate and Mother of Perpetual Help, you are the refuge and advocate of poor sinners. The more guilty one is, the more reasons one has to appeal to your devotion. Therefore, we dare to implore your powerful and maternal protection with all confidence. Our salvation is in your hands; plead our cause and intercede for us with your divine Son." "Saint N., patron of the parish of N., pray for us during the blessed days of the Mission. Amen."

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M. CARD. RAMPOLLA. L. S. F. D. Archbishop of Seleucia, Prefect of the Holy Office, II. DECREE. INDULGENCES ARE GRANTED FOR PIOUS EXERCISES PERFORMED IN HONOR OF THE IMMACULATE HEART OF THE BLESSED VIRGIN MARY DURING THE MONTH OF AUGUST. March 13, 1913. Since the practice of dedicating the month of August to the honor and veneration of the Immaculate Heart of the Blessed Virgin Mary has already become widespread, in the same way that other months are dedicated to the worship of the Divine Mother; so that this pious custom may be propagated more and more each day, and the faithful may be drawn more and more to this devotion, it has been earnestly requested that the Most Holy Pope Pius X would grant certain Indulgences to all Christian faithful who, either publicly or privately, on any day of the month of August, shall recite prayers or perform other acts of piety in honor of the Immaculate Heart of the Blessed Virgin Mary. His Holiness, through the powers granted to the undersigned Cardinal, Secretary of the Most Holy Congregation of the Holy Office, has graciously accepted these requests, and has granted the following Indulgences, applicable also to the deceased: An Indulgence of three hundred days, to be gained on each of the aforementioned days, if at least contrite Christians perform the aforementioned pious works; A plenary Indulgence, to be gained once during that month, if, in addition, they approach the Sacraments of Confession and Holy Communion.

[*Latin ed. p. 156*]

156 Acta Apostolicae Sedis. - Official Commentary. Those who have devoutly approached the Most Holy Eucharist, have visited some church or public chapel, and have prayed according to the mind of the Supreme Pontiff, shall, by anticipation, receive a plenary indulgence, perpetually valid, without any exception. Notwithstanding any contrary provisions. M. CARD. RAMPOLLA. L.©S. f D. Archbishop of Seleucia, Ad. S. O. S. CONGREGATION FOR RELIGIOUS. AUTHENTIC VERSION OF THE DECREE ON THE CONGREGATIONS OF NUNS AND SISTERS. I. DECREE CONCERNING THE CONFESSIONS OF MONKS AND SISTERS. Since many laws have been published, according to the needs and circumstances, up to the present time, to regulate the sacramental confessions of Nuns and Sisters, it has now seemed useful to order and collect all of them, with some modifications, in a single Decree of the following tenor: 1. To each community, both of Nuns and of Sisters, there shall be assigned, as a rule, a single ordinary confessor; unless, because of the large number of Religious, or for another just reason, it is necessary to assign two, or more. 2. The ordinary confessor shall, as a rule, not remain in office for more than three years. However, the Bishop or Ordinary may confirm him for a second, or even a third three-year period: a) if, due to the lack of suitable priests for this office, he cannot otherwise provide; or

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b) if the majority of the Religious, including those who, in other cases, do not have the right to vote, are in agreement.

[*Latin ed. p. 157*]

Sacred Congregation of Religious. 157. A secret vote shall be taken to request the confirmation [of confessors]; provided, however, that provision shall be made for those who dissent, in some other way, if they so desire. 3. More than once a year, each religious community shall be provided with an extraordinary confessor, to whom all the religious must present themselves, at least to receive his blessing. 4. For each religious house, the Ordinary shall appoint certain priests, whom the religious may easily call upon in particular cases to confess. 5. If it should happen that some religious, for the sake of her conscience, or for her greater progress in the practice of perfection, requests a special confessor or spiritual director, this shall be readily granted to her by the Ordinary; who, however, shall take care that no abuses arise from such a concession; and if any abuse should arise, he shall prudently and cautiously seek to eliminate it, always preserving the freedom of conscience. 6. If the religious house is subject to the Ordinary of the place, he shall choose the priests for the office of confessor, both ordinary and extraordinary; but if it is subject to the Regular Superior, he shall present the priests for the office of confessor to the Ordinary, to whom it belongs to grant them the faculty to hear confessions. 7. Priests of both the secular and regular clergy may be appointed to the office of confessor, whether ordinary, extraordinary, or special, provided, however, that they have no external jurisdiction over the religious for whom they are appointed. 8. These confessors must have completed their fortieth year and must be distinguished for integrity of life and prudence; but the Ordinary, for a just reason and under the responsibility of his own conscience, may appoint to this office even priests who have not reached that age, provided that they are always distinguished for such spiritual qualities. 9. The ordinary confessor cannot be appointed as extraordinary, nor, except in the cases contemplated in article %, can he be confirmed as ordinary in the same community, unless after one year from the expiration of his office. However, the extraordinary confessor may immediately be appointed to the office of ordinary confessor. 10. Every confessor of nuns or religious sisters must take great care not to interfere in the internal or external government of the community. 11. If it should happen that some religious requests an extraordinary confessor, it shall not be lawful for any of the Superiors, either by herself, or through others, either directly or indirectly, to inquire into the reasons.

[*Latin ed. p. 158*]

158 Acta Apostolicae Sedis. - Commentarium Officiale. concerning the request, to oppose the request with words or with facts, or in any way to

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demonstrate ill will; if any Superior should fail in this regard, she must be first warned by her Ordinary; and, if she fails a second time, she must be removed from her office by the same, after having heard the Holy Congregation of Religious.

12. It is forbidden for Religious women to speak among themselves about the confessions of their sisters, or to make criticisms against those who confess with someone other than the designated confessor; in case of transgression, they must be punished by the Superior, or by the Ordinary.

13. When confessors are called to a monastery or religious house, and they discover that the Religious women who present themselves to them do not have a just reason of necessity or spiritual benefit, they should dismiss them prudently. Furthermore, all Religious women are reminded that they should only use the faculty granted to them to request a special confessor with the sole intention of pursuing their spiritual well-being and making greater progress in religious virtues, and not for human reasons.

14. Whenever nuns or sisters find themselves outside of their own house for any reason, they are permitted to confess in any church or oratory, even a semi-public one, and with any confessor approved for both men and women. The Superior cannot prohibit this, nor can she make any inquiry about it, either directly or indirectly; nor are the Religious women obligated to report anything to the Superior regarding this matter.

15. In the case of a serious illness, even if it does not present a danger of death, any nun or religious woman may call any priest approved for confessions, and confess with him as often as she pleases, during the severity of the illness.

16. This Decree must be observed by all female religious communities, both those of solemn vows and those of simple vows, by oblates, and by other pious communities that do not take vows, even if the Institute is only diocesan. It also obliges those communities that are subject to the jurisdiction of a Regular Prelate, and if this Prelate does not ensure the faithful observance of the present Decree, the Bishop or Ordinary of the place must do so as Delegate of the Holy See.

17. This Decree must be added to the rules and constitutions of each religious institute, and must be read in the vernacular language once a year publicly in Chapter, in the presence of all the Religious women. Therefore, the Holiness of N. S. Pius X, having heard the opinion of the most eminent Cardinals of the Holy Congregation of Religious, gathered in...

[*Latin ed. p. 159*]

The Holy Congregation of Religious. At the plenary Congress held in the Vatican on January 31, 1913, after a report from the undersigned Secretary, deigned to approve this Decree, and to confirm it in every part, commanding that it be published, so that in the future, it may be punctually

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observed by all those to whom it pertains. Notwithstanding any provision to the contrary, even one deserving of special and singular mention. Given in Rome, from the Secretariat of the Holy Congregation of Religious, on the 3rd day of the month of February in the year 1913. Fr. G. C. CARD. VIVES, Prefect. L. & S. f Donato, Archbishop of Ephesus, Secretary.

II. DECREE CONCERNING THE CONFESSIONS OF NUNS AND SISTERS. Since, up to this day, numerous laws have been promulgated to regulate, according to their object and circumstances, the sacramental confessions of Nuns and Sisters, it seemed good, after partially modifying and logically coordinating them, to unite them in a Decree, of which here is the content:

I. Each community of Nuns and Sisters, as a general rule, will have only one ordinary confessor, unless the large number of Sisters or some other just reason requires a second, or even several others.

II. The ordinary confessor, as a general rule, will not exercise this office for more than three years. Nevertheless, the Bishop or Ordinary may confirm him for a second, and even for a third three-year period: a) if, due to a shortage of priests suitable for this ministry, he cannot provide otherwise, or b) if the majority of the Religious, including those who do not have the right to vote in other matters, agree in a secret ballot to request the confirmation of this confessor. But for those who are of a different opinion, if they so desire, provision must be made for them in another way.

[*Latin ed. p. 160*]

160. *Acta Apostolicae Sedis.* - *Commentarium Officiale.* III. Pluresiesies per annum, ad singulas communitates religiosas praebebitur confessor extraordinarius, cui omnes religiosas se praebere debent, ad minimum ut benedictionem eius accipiant. IV. Ordinarius pro singula domo religiosa designabit certos presbyteros, quos religiosas in casibus particularibus facile vocare possint, ut confessiones suas audiant. V. Si aliqua religiosa, propter pacem animae suae, vel propter progressum majorem in viis Dei, desiderat confessorium speciale, seu directorem spiritualem, Ordinarius ei concedit sine difficultate; sed vigila ut haec concessio non ducat ad abusus, et sapienter et prudenter repulit eos qui se praebent, simul conservando libertatem conscientiae. VI. Si domus religiosarum est subiecta Ordinario loci, is est qui eligit confessos ordinarios et extraordinarios; sed si est subiecta superiori regulari, is debebit proposuit presbyteros ad officium confessorum ad Ordinarium loci, cui pertinet potestatem conferendi audire confessiones. VII. Officium confessoris ordinarii, seu extraordinarii, seu specialis, potest committi vel ad presbyteros clerum saecularium, vel ad presbyteros clerum regularis, cum permissione superioris eorum; proviso tamen, ut in utraque parte, externos nullos habeant potestatem super has religiosas. VIII. Confessores hi, qui quadraginta annos iam perfectos habere debent, distinguantur per integritatem vitae et prudentiam; tamen,

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Ordinarius, ex legitimo motivo et sub sua responsabilitate, sacerdotes plus iuniores eligere potest, proviso quod altos gradus virtutum indicatarum habeant. IX. Confessor ordinarius non potest designari confessor extraordinarius, neque, praeter casos enumeratos in articulo II, iterum eligi confessor ordinarius in eadem communitate, antequam unum annum perfectum sit post expirationem muneris sui. Confessor extraordinarius potest immediate eligi confessor ordinarius. X. Omnes confessores, sive Monialium, sive Sororum, caveant ne se immiscent in regimen, sive externum, sive internum, communitatis. XI. Si aliqua religiosa desiderat confessorium extraordinarium, nulla superior habet jus quaerendi rationem, neque ipsa, neque per alios, neque directe, neque indirecte; neque potest opponere, neque verbis, neque factis, ad hanc petitionem, et non debet, quoquo modo, ostendere se dolorem ex ea accipere. Si autem...

[*Latin ed. p. 161*]

161. Holy Congregation of Religious. She would act in this manner, that her proper Ordinary addresses a warning to her, and if she should fall back into this fault, he will depose her, after having previously sought counsel from the Holy Congregation of Religious. XII. Let Religious never wager with each other concerning the confessions of their companions; let them not permit themselves to criticize those who confess to someone other than the designated confessor; otherwise, they shall be punished by their Superior or by the Ordinary. XIII. If confessors specially called into the monastery or religious house observe that no just reason of necessity or spiritual utility justifies the action of the Religious, they shall dismiss them prudently. The Religious are also warned not to use this permission to request a special confessor except for the spiritual good and the greatest progress in religious virtues, setting aside all human considerations. XIV. Nuns or Sisters who, for some reason, find themselves outside their convent, may, in any church or oratory, even a semi-public one, confess to any priest approved for both sexes. The Superior can neither prevent this, nor make any inquiry on this matter, even indirectly, and the Religious are not obliged to speak of it to her. XV. In the case of a serious illness, even without danger of death, Nuns and all Religious may call any approved priest, and, as long as the seriousness of their condition lasts, confess to him as often as they wish. XVI. This Decree must be observed by all religious congregations of women, both those bound by solemn vows and those by simple vows, by Oblates and other pious communities that are not bound by any vow, even if they are diocesan institutes. It also binds communities subject to a regular prelate, and if that prelate does not ensure the exact observance of this Decree, the Bishop or Ordinary of the place will provide for it as a delegate of the Apostolic See. XVII. This Decree shall be added to the Rules and Constitutions of each religious family, and read publicly in the vernacular language at the Chapter of all the Religious once

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a year. Therefore, the most eminent Cardinals of the Holy Congregation of Religious, having given their approval in the plenary assembly held at the Vatican on January 31, 1913, Our Holy Father, Pope Pius X, on the report of the undersigned Secretary, has deigned to fully approve and confirm this Decree, ordering its publication, and commanding all those concerned to observe it faithfully in the future. ACTA, vol. I, no. 6. — April 16, 1913.

[*Latin ed. p. 162*]

Acts of the Apostolic See. - Official Commentary. Notwithstanding all contrary things, even those worthy of special and particular mention. Given at Rome, from the Secretariat of the Holy Congregation of Religious, on February 3, 1913. Father J. C. CARD. VIVES, Prefect. L. * S. fDonatus, Archbishop of Ephesus, Secretary. HOLY CONGREGATION OF RITES, PARIS. REGARDING THE BEATIFICATION OF DUBOUCHÉ, AND THE CANONIZATION OF THE FOUNDRESS OF THE VENERABLE CONGREGATION OF THE SISTERS OF THE ADORATION OF THE MOST HOLY SACRAMENT OF MARY, FOUNDED BY TERESA. In Montauban, on May 2, 1809, Theodolinda Dubouché was born of honorable parents. In the year 1816, she was placed in a house of education and instruction for noble girls in the city of Orleans, where she was instructed in letters, the arts, and morals. After three years, she was recalled to her paternal home, and, on account of frequent conversations with outsiders, and some indulgence in worldly vanities, she gave herself over to them somewhat. But afflicted by a serious illness, and after she had recovered, she began to seek a safe refuge for her soul within the family of the Carmelites. In the year 1848, when, due to the disturbances of the French Republic, she could not remain there, she, living in the world, gathered together a pious association of young girls, dedicated to prayer, especially before the Most Holy Sacrament, and to other works of penance, in order to make amends for the injuries done to God. Shortly afterwards, in order to perfect this undertaking, she founded a religious family, to which she gave the name of the Sisters of the Adoration of the Most Holy Sacrament, which was recognized and approved by the Apostolic See on July 15, 1865, and in which, after a change of name, she was called Mary Teresa. There she persevered steadfastly, and in July of the year 1863, afflicted by a mortal illness, which grew worse, after being comforted and strengthened by the sacraments of the Church, she peacefully passed away on August 30, among her beloved daughters and sisters. The opinion of virtues which the Handmaid of God had acquired during her life, after her death, grew more and more each day, in the eyes of the archiepiscopal...

[*Latin ed. p. 163*]

The Holy Congregation of Rites, in its session of 163, referred the matter to the Parisian Tribunal, so that an Ordinary Informative Inquiry might

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be conducted concerning it. After these procedural acts were completed and presented to the Sacred Congregation of Rites, and with due regard to the order of law, and after a review of the writings of the Handmaid of God, in which nothing was found to impede further progress, at the urgent request of the Reverend Father Dominic Raphael M. Virili, Bishop in title of Troas, promoter of this Cause, and after receiving the following letters concerning the introduction of such a Cause, sent by illustrious families of Emperors or Kings; and after the petitions of certain Eminences, Cardinals of the Holy Roman Church, of numerous Roman Prelates, from both the clergy and laity, and of other men distinguished by ecclesiastical or civil dignity, as well as of religious communities, together with Sister Theresa Maria of the Most Sacred Heart of Jesus, General Superior of the Sisters of the Reparation of the Holy Sacrifice, and the Eminent and Reverend Cardinal Joseph Calasanctius Vives y Tuto, Promoter of this Cause, who, on the day indicated, convened a meeting of the Ordinary Congregation of the Sacred Rites at the Vatican, proposed the following question for discussion: Should a Commission for the introduction of the Cause be appointed, in this case and for this purpose? And the Eminent and Reverend Fathers entrusted with the safeguarding of the Sacred Rites, after hearing the report of the aforementioned Promoter, and after listening to the Reverend Father Alexander "Verde, Promoter of the Faith, and after diligent discussion and deliberation, decided to respond: Affirmative, that is, that a Commission should be appointed, if it pleases the Most Holy Father. On March 4, 1913. Subsequently, this matter was reported to our Most Holy Lord Pope Pius X by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, and His Holiness, having approved the Rescript of the same Sacred Congregation, deigned to sign with his own hand the Commission for the introduction of the Cause of beatification and canonization of the Venerable Servant of God, Mary Theresa Dubouché, foundress of the Congregation of the Sisters of the Reparation of the Holy Sacrifice, on March 18, 1913.

Fr. S. CARD. L. MARTINELLI, Prefect.

S. fPetrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF ARGENTINENSIS. NULLITY OF MARRIAGE (WARTHER-VIEKEBSHEIMER). Under the blessed reign of Pope Pius X, in the ninth year of his pontificate, on July 10, 1912, the Most Reverend and Most Eminent Fathers, Frederick Cattani, President; Anthony Perathoner and Joseph Alberti, Auditors of Tournon, in the case of Argentinensis, concerning the nullity of marriage (involving an appeal against the sentence of the Court of Argentinensis, dated November 13, 1909, in which the marriage was defended ex officio) between Emilia Warther, represented by her legitimate procurator, the advocate Joachim Antonelli-

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Costaggini, and Frederick Wiekersheimer, who was absent and did not participate in the case, with the defender of the marriage ex officio present before this Holy Tribunal, rendered the following definitive sentence. Emilia Warther, born on August 28, 1878, in Daileunden, while staying with her mother in the place called Bischleim, near the city of Argentinensis, first met Frederick Wiekersheimer, a man addicted to the Protestant sect and of very bad morals. Although Emilia felt no affection for him, yet, due to the extreme poverty of her family, and urged by her mother and sister, she promised him marriage, with the condition that the marriage be celebrated in a Catholic church, before her parish priest; which he promised. Meanwhile, a dispensation from the impediment of mixed religion was requested for Emilia. On the day appointed for the civil contract, in the year 1899, Frederick and Emilia appeared before a lay magistrate, and entered into a contract according to the law. Afterwards, they went to the betrothed woman's mother's house for dinner, where the woman openly told the man that she could not yet be with her daughter, because they had not yet celebrated the marriage; whereupon the man went home. The next day, however, he returned to take Emilia with him. Then Emilia reminded him that she wanted to celebrate the marriage before her parish priest in the Catholic church. Frederick, on the contrary, proposed to celebrate it before his minister in the Lutheran church of Saint Aureliae. Emilia vehemently refused, and thus a disagreement arose between them, which persisted throughout the entire journey, until the carriage of Grüneberg arrived, a place where Frederick resided, where the wedding feast was prepared. Emilia, saddened, sat down at the feast, accompanied by her mother and sister, as well as Frederick's relatives. But she spoke very little with Frederick, and before the feast was over,

[*Latin ed. p. 165*]

The Roman Rota. After the end was brought about, she left the chamber, and, weeping, said that she was not married to Frederick. Meanwhile, Frederick, intoxicated, threatened Emilia. Seeing this, the bride's mother, who believed that the marriage had not yet been celebrated, ordered her to return home with her by all means; but the bridegroom, filled with the worst anger, threatened the bride, saying that he would kill all the guests if she abandoned him; terrified by these threats, the women urged the bride to stay, but not to sleep with the drunken man, but to appease his anger; then, because the marriage was considered invalid, she returned home the next day. Thus, the bride began to abhor her husband more than was proper, and she spent that night in the room of her sisters; and the next morning she returned to her mother's home. Again, on the following day, disputes arose in her mother's home. For the mother was again afraid that her husband, although the worst of men, would flee from such poverty; and furthermore, that her younger daughter, the younger sister, would

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renew the scandal (for she had abandoned her husband) and despise the future marriage. Therefore, although she pleaded repeatedly that she was not yet bound to her husband by any bond, the mother did not cease to hope that the man's obstinacy would eventually be overcome, and that he would somehow be led to enter into the marriage according to the Catholic rite. After three days, therefore, encouraged by this hope, she consented to the man. But, contrary to the hope that the mother had conceived, the daughter suffered the greatest injustice in order to establish the bond according to the Catholic rite. For scarcely three days later, it was necessary for her to go to a doctor, who found that, after her first intercourse, she had been infected with a terrible disease by the man. Therefore, he advised her to leave him and seek a divorce. The terrible illness was considered a legitimate reason for civil judges to declare a divorce; and then, after almost a decade, and after Emilia had already bound herself by a civil bond with another man, the case was brought before the tribunal of the episcopal curia of Strasbourg, where the following judgment was pronounced: "The marriage entered into by Emilia Warther with Frederick Wiekersheimer is null and void due to the lack of the required consent." However, when the defender of the sacred bond appealed to the court, the case now comes before our Tribunal, under the question: Whether the nullity of the marriage can be established in this case. The reason for doubting in this case consists primarily in the fact that, in the Argentinensi diocese, the decree of Tametsi, of the sacred Council of Trent, which, although it has been publicly promulgated, does not abolish the impediment of clandestine marriage there, so that a contract, even a civil one, can constitute a true and valid marriage. Nor does the false supposition of a valid marriage invalidate the marriage if there exists an impediment that prevents it, provided that this error is concomitant, that is, if it does not determine the will to enter into the marriage, but rather,

[*Latin ed. p. 166*]

168 Acta Apostolicae Sedis. - Commentarium Officiale. He [the priest] should attend, and, if he is present and detects the irregularity in time, the marriage should nevertheless be celebrated; and furthermore, because the presence of witnesses is required, which, if present with marital intent, by the very nature of things perfects the marriage. However, with regard to the first point, it must be borne in mind that marriage, as a contract, is perfected by mutual consent. Every contract is valid only to the extent that the contracting parties intended to be bound. Therefore, all doctors agree that, if the contracting parties, or even one party, in places where the impediment of clandestine marriage does not apply, did not intend to enter into a true marriage, but only to perform a civil ceremony, then no Christian marriage is contracted. Although, in such places, this civil ceremony may constitute a presumption in favor of a true marriage, this presumption is

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only a legal one, and therefore admits of contradictory proof. Since these things are clearly established among all doctors, it is sufficient to cite one or two passages from them. Thus, for example, D'Annibale: "Therefore, if, where a marriage is validly contracted without a priest and witnesses, the spouses intend to contract a civil marriage, and one of them intends only to perform a civil rite (which is to be presumed, because it would be very burdensome for him), this cannot be understood." (Summ. Th. Mor., vol. III, De Matrim., n. 443,1). Also, Gasparri: "An error concerning the validity of marriage occurs if either or both parties believe that some impediment exists, and the marriage is invalid, while no impediment actually exists, and the marriage is valid in itself... If the contracting party intends, as far as he is concerned, to enter into a true marriage, there is consent... If, on the other hand, he does not intend a true marriage, but rather concubinage, a mere civil ceremony, the marriage ceremony, etc., there is no consent, and therefore the marriage is invalid, even if the impediment is only presumed to exist." (T. C, De Matrim., vol. I, 904-906). Wernz also states: "If Catholic spouses are contracting marriage with baptized non-Catholics in places where the law 'Ne temere' [not lightly] is not in force, the celebration of a mere civil marriage, although illicit, results in a valid marriage, provided that they have the intention of truly contracting marriage, and no other canonical impediment exists; but if they only intend to perform a civil ceremony, which, according to their intention, would follow in the church before a minister of the cult, the true matrimonial contract, religiously celebrated, lacks all validity. Therefore, in such places, such civil marriages are not valid at all because of the form and the civil law observed, not absolutely and simply, but with the clause: provided that it is established that there is mutual consent (cfr. S. C. Inq., 6 September 1876), i.e., the consent of the spouses according to the ancient law of the Decretals" (Ius. Decret., tit. IV, ?).

[*Latin ed. p. 167*]

The Roman Rota (167 titles, 3, paragraph 207). And in another place: "Finally, an error of law concerning the validity of marriage can arise if one or both of the spouses falsely believe that an impediment prevents their marriage from being validly celebrated. In this case, if the contracting parties intend to give their consent as much as they can (as is commonly presumed), the marriage is valid; otherwise, if they intend only concubinage or a mere civil ceremony, it is undoubtedly null and void. For, in the former supposition, true consent is present, to which no objective impediment stands in the way; in the latter, true consent to marriage is completely absent" (Ibid., title IV, paragraph 228, end). It is not necessary to say that, if the contracting parties do not give their consent to a true marriage, they have lied, because they have consented to the words pronounced by the civil magistrate, which signify marriage. "For (as Rosset

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rightly notes, I. C., paragraph 231 and following, with the Secretary of the Sacred Congregation in Disputations, in the year 1879), the words and signs that they are compelled to use are directed to signifying obedience to civil law and to fulfilling its precept, so that a true marriage, already contracted or to be contracted, is not deprived of its due civil effects. This meaning of words and signs is determined either by the understanding of the Church, according to whose laws they intend to contract, or by the common usage and opinion of the faithful, or by the nature of the act, as far as it can be lawfully done. Therefore, they are not suitable for naturally signifying internal consent to contract at the present time, because, in cases of necessity, they tend to another end and are rightly so, as far as they are concerned, even though many do not intend to enter into a marriage at that time" (Cf. also the Sacred Congregation in the case of Olmucen, January 7, 1899; Leitner, I. G., p. 123, 632 sq.). The teachings that we have presented do not contradict the Instruction of the Sacred Congregation concerning the Doctrine of Faith, addressed to the Apostolic Vicar of Constantinople, October 1, 1785; for it is said there that marriages of Christians celebrated before a Turkish judge are valid, if the contracting parties, although they believe that this is not sufficient for the validity of the marriage, nevertheless, if they knew that this act was sufficient to bring about a true marriage, they would indeed intend to enter into it. Indeed, as the Instruction states: "... secondo le circostanze del caso proposto, non può dubitarsi del vero, legittimo, interno e reciproco consenso dei contraenti." Therefore, the will of the contracting parties must be investigated in each case, because the entire question of the validity of the marriage depends on it; therefore, all the circumstances of place, time, and persons must be carefully considered, because, as Gasparri rightly says (1, paragraph 906), here we are dealing more with fact than with law. First of all, it must be certain that ignorance, which is not merely concurrent with the act, but is causally related to what is done, completely negates the voluntary act, because with ignorance, the will...

[*Latin ed. p. 168*]

168 Acta Apostolicae Sedis. - Official Commentary. Blind power is a faculty dependent on understanding, hence the saying: "Nothing is willed without prior knowledge." This doctrine is established by Roman law; it is found in: "But in that which is unknown, neither any act nor any consent can have any effect" (L. non idcirco 4 Cod. de Iur. et fact. ignorantia). Therefore, if we can prudently judge, we must reasonably suspect that Emilia could not have known, before a lay magistrate, that she could validly celebrate a true marriage. However, that she truly did not know, I can gather from the common opinion of Catholics in those regions regarding marriages celebrated before a lay judge. Indeed, throughout Germany, Catholics consider civil marriage to be a purely civil ceremony, which does

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not effect a true marriage before God and the Church (Archiv. F. R. Kirchenrecht, vol. 33, pages 192 and following). This opinion has been greatly influenced by the instructions of the bishops of that region, who, concerned about the evils that can arise from civil marriage, have sought to instruct their faithful that civil marriage is an institution of the state, which produces only civil effects; and therefore, it should never be considered by the faithful as a valid and true marriage (Cf. Instructions of the Bishop of Vratislavien, the Archbishop of Cologne, and Cardinal Kopp, Archbishop of Breslau, cited in the judgment of Argentinen, before Heiner, Acta Apostolicae Sedis, May 31, 1912). Indeed, this doctrine is transmitted and taught throughout Germany, with the approval of the Roman Church itself. For example, in German catechisms, the question "How is marriage contracted?" is answered: "Only before a priest and witnesses," etc. In the case of H. S. O. in Cologne, before Heiner (in May 1910), it was held "that it can be concluded that, in Germany, for the most part, Catholics, when they enter into a civil marriage, intend only a mere ceremony, not a true marriage, and do not give marital consent in the civil act." And again, in the judgment of Argentinen (February 23, 1912): "The opinion... of Catholics in Germany regarding civil marriage is such that, in general, its invalidity should be presumed, especially if, in the case of Catholic men, other indications and proofs, e.g., an oath, are added, by which that presumption is confirmed." The same opinion was held by both Emilia and her mother. Indeed, in the indictment, Emilia stated: "I did not intend to contract a valid marriage by a simple civil marriage, because I consider only a marriage to be valid before God, when it is contracted in the Church. Moreover, Frédéric Wiekersheimer had promised me before the marriage to have our marriage blessed in the Catholic Church; but, shortly before the civil marriage, he demanded that I consent to marrying him."

[*Latin ed. p. 169*]

The Roman Rota. 169 "a Protestant temple, and which I absolutely refused." And when questioned by the judge, she answered under oath: "I absolutely did not know what it meant to be married. I thought that afterwards I could return to my mother. I was indeed impertinent, but in this matter, ignorant." But when the judge inquired: "Did you consider yourselves validly married before God and the Church, after pronouncing your 'yes' at the town hall?" she replied: "No, absolutely not, and I thought that I had not been in any church, therefore I am not married. I did not know that there could be so many difficulties, otherwise I would not have married a second time." Emilia certainly held this false opinion, which, like her, considered the civil ceremony not to be a true marriage among Catholics. This is clearly evident from the words that she herself said to Frederick Wiekersheimer, on the very evening when the civil marriage was celebrated: "Our mother (testifies Regina Rohrbach, Emilia's sister) 'be-

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fore the civil marriage, this Friday evening, said to Wiekersheimer, in the presence of other people and of Emilie: "You know that you cannot spend the night here, because, in our house, we consider ourselves married only after we have been to church." Furthermore, Emilia testifies: "My mother absolutely wanted us to be married in the Catholic church." Then: "My mother, at the moment when I left Bischheim" (when, indeed, Frederick told Emilia that he did not want to be with the Catholic priest, but with his Lutheran minister), "said to me: "Just be taken to Grünenberg, so that we have not spent our money in vain. We will return home again in the evening." But Emilia not only did not know that she could validly contract marriage before a lay judge, but she was certain that she had not contracted it in any way, which truly suggests that she did not want to. She herself testifies to the judge, who asked her: "Did you tell anyone that, through the civil marriage, you did not consider yourselves validly married?" She replied: "I said it everywhere, at home, at the table, in the presence of my sister, my mother, and my brother-in-law. Because I said to my sister: "I can be married in the church, but you cannot." My sister, indeed, had separated from her husband, with whom she had been married in the church. I said it to others, on every occasion, but I no longer know precisely to whom." It is more clearly apparent that Emilia believed that she could not validly contract marriage before a lay magistrate, and therefore did not want to, from the things that happened between the betrothed, either before or after the civil marriage. Therefore, before the civil ceremony, the betrothed argued several times with each other about the religious marriage, but about the ceremony...

[*Latin ed. p. 170*]

170 Acta, Apostolicae Sedis. - Commentarium Officiale. never in a civil manner. Therefore, it must be said that they considered that one, and not the other, to be the true marriage. Furthermore, they contended after the civil ceremony, because Emilia wished to be before her parish priest, while Frederick wished to be before his minister. This, not only Emilia, but also the witnesses affirm with one voice, namely, Ludovicus Rohrbach, Emilia's husband, and Regina, Ludovicus' wife and Emilia's sister, both of their own knowledge; Hugo d'Alheimer, and his wife Iosepha Fritz, according to what they heard from Emilia herself, but at a time when there was no suspicion. Frederick, indeed, before Emilia's marriage, had promised that he would celebrate it before a Catholic parish priest. And how does she recount this matter: "First of all, Wiekershei[mer] promised to marry us in the Catholic church, but this 'seemed too long to him, because of the dispensation.' I told him: 'If you do not go to the Catholic church, then I will not go to the Protestant temple.' Three days before the marriage, he began to hesitate, because 'it was taking too long. The Catholic priest of Bischleim said that he could not go any faster...' 'On Friday evening, on

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the day of the civil marriage, Wiekersheimer announced to me that we would be married in the Protestant temple of Sainte-Aurélie. He uttered these words: 'Because your priest would not marry you, we will go to our priest...' 'I replied: 'I will not go.' 'The next day, on Saturday morning, he came to fetch me. I was not yet dressed; out of disgust, I tore the veil. On the way, he constantly begged me to go with him to the temple of Sainte-Aurélie. I did not want to know anything about it, and I told him: 'If the carriage stops in front of Sainte-Aurélie, I will escape.' Thus, we passed by Sainte-Aurélie.' These things are also confirmed by Ludovicus Rohrbach, her husband, and by Regina, Emilia's sister. For, when asked by the judge, 'Why was she not married in the church?', he replied: 'The civil marriage took place on Friday at 6 o'clock in the evening, in Bischleim. From there, Emilia returned to her mother's house, and he to his parents' house. The next morning, the carriage took each party to their respective homes. On Friday evening, after the civil marriage, Emilia told me that the next day she would be sought out to be taken and married in the Catholic church. We were to meet at the inn of Vogel, at the corner of the Weifsturmstrasse. I noticed there that a disagreement had arisen between the newlyweds, that they were not getting along, but I did not concern myself with it at all. Afterwards, our carriage took my wife and me to the Grüneberg.' But Regina states more clearly: "... she (Emilia) came one day and told me that she did not want him anymore. I pointed out to her that if he did not want to marry in the Catholic church, she should leave him. She returned later and told me: 'Reine, now he wants to marry...' "

[*Latin ed. p. 171*]

"S. Bomana Bota. 171 "the Catholic Church." And afterwards: "On Friday evening, after the 'civil' marriage, the two betrothed had supper at our mother's. Wiekersheimer, who 'eight days previously had promised to marry in the Catholic Church,' declared that he would marry the following day in the Catholic Church of Bischleim... On Saturday morning, I was still at my mother's. Wiekersheimer then came to fetch Emilie, and he said: "We are now going to the Protestant church, my parents desire it." Emilie replied: "No, we will go to the Catholic church." And I said to Wiekersheimer: "You promised to marry in the Catholic Church." Emilie declared that "if Wiekersheimer did not go to the Catholic church, she, for her part, would not marry in the Protestant church." After Frederick had given his pledge to Emilie, that the marriage would be celebrated in the Catholic church, disagreements and quarrels arose between them, as we have now heard from the testimony of Louis and Regina, which grew more and more during the wedding feast itself. When the judge asked Emilie, "How did you spend the day of the wedding?" she replied: "At the table, I did not converse with him. I spoke to him very little. I remained at the table until the end of the meal, until the quarrel began about the lemonade and the

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rum, and I left. D'Alheimer suddenly came into the courtyard and told me that I should not return, that Wiekersheimer would kill me. Nevertheless, I entered. I also wanted to return home with my mother. Wiekersheimer threatened that if I left him, he would shoot at all those present. My mother then told me to stay. I spent the night at her sister Sophie's, in the front room. The next day, I went with him in a carriage to Bischleim, where we stayed for about 3 days. It was only on Monday that I lay with him, for about 3 days. From there, I went with him to the Itadelgasse, where I had taken furnished lodgings. About 3 days later, on the advice of the doctor, I left him to return to my mother's house." These things are confirmed by the testimony of her sister: "On the day after the civil marriage, on Saturday, during the wedding meal, after she had barely eaten a little soup and meat, she got up from the table and began to cry. And when she returned, she told me: "This is not a marriage: I am not married, because I have not been to the Catholic church." She said the same thing on Saturday morning, before leaving her mother's house, and she has often repeated it since, even during the short time that the two of them were together." Finally, although Emilie did not consider Frederick to be her husband, and did not love him in the least, nevertheless, three days later, at the urging of her mother, she went to live with him. And how she herself recounts the matter:

[*Latin ed. p. 172*]

172 Acta Apostolicae Sedis. - Commentarium Officiale. narrates: "My mother urged me to go there, because she did not want to experience 'a second time the pain that, as my other sister did, I would suffer from my husband.' Even if I had not been ill, I would not have stayed. I might have stayed a little longer. My mother insisted that I should try living with my husband; 'one could see after that.'" The judge then asked her: "Did you perform the conjugal act?" She replied: "Yes, I was forced to do so." And from this second point, it cannot be said that marriage existed. Indeed, it must be considered that Emilia, subsequently through the marital act, did not, on her part, heal the defect of consent and therefore did not establish marriage, not only because she did not know that this could happen, but especially because she absolutely did not want it to happen: and therefore, even when she lived with Frederick, she stated that she was not truly Frederick's wife, because she had not been married before her own parish priest. This is testified to (besides her sister, Regina, as we saw in the last words from her testimony) by the spouses Hugo D'Alheimer and Iosepha Fritz, with whom Emilia spoke while she was still living with Frederick, and therefore at a time when she was not suspected. Hugo, when questioned by the judge, "Did she tell you that she was only civilly married, and that she did not consider this marriage to be valid and indissoluble before God?" replied: "Yes, she said that; that is why they were not married in the Catholic Church, because the husband wanted a Protestant marriage,

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and she wanted a Catholic marriage. I heard her say this several times." Also, Iosepha Fritz, to the same question, replied: "She told me this often, and even after the marriage, that she was not married. She told me this often, and after the civil marriage, and this because she was not married in the Catholic Church." More explicitly, Emilia herself, when asked by the judge, "Would you not have stayed with Wiekersheimer, if he had treated you with dignity?" replied: "Despite that, no. I did not want him. Even if my mother had not sought me out, I would have left him." And again: "Why, on the first night, did you not cohabit with Wiekersheimer? Why did you go afterwards to his house?" And she replied: "Because I did not love him. Nothing interested me; afterwards, I went to Wiekersheimer because of my mother's commitments." Therefore, it must be concluded that the conjugal act was not performed by Emilia with marital affection, and therefore did not establish a true marriage, according to the words: "Consent, not cohabitation, establishes marriage." Having considered and diligently pondered all these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and only...

[*Latin ed. p. 173*]

Most Holy Roman Rota. 173 Having God before our eyes, We decree, declare, and pronounce: The marriage between Emilia Warther and Frederick Wiekersheimer is declared null, due to a lack of consent; and thus We respond to the proposed question. So We pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, that they enforce this Our definitive sentence, and against those who resist, they proceed according to the sacred canons, especially chapter 3, session XXV, concerning reform, of the Council of Trent, employing the executive and coercive means that shall be more efficacious and suitable for the circumstances. Rome, 22 July 1912. Frederick Cattani, Prefect. Anthony Perathoner. Joseph Alberti. Sacred Tani, Notary.

S. B. DIARY OF THE ROMAN CURIA. HOLY CONGREGATION OF RITES. ORDINARY PARTICULAR CONGREGATION. On the 1st of April, 1913, in the Apostolic Palace of the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the following causes were presented to the judgment of the Most Reverend and Most Illustrious Cardinals who comprise the same:

1. Concerning the validity of the Apostolic and Ordinary processes constructed for the cause of beatification or declaration of martyrdom of the Venerable Servants of God Apollinar de Almeida, Bishop of Nicea; Giacinto Franceschi; Francesco Rodríguez; Abramo de Georgiis; Gaspare Paez; Giovanni Pereira; Ludovico Caldeira; Brunone Bruni and Gundislavo Sylveira, priests of the Society of Jesus.

2. Concerning the validity of the Apostolic and Ordinary processes constructed in the Curia of Brzesc for the cause of beatification and canoniza-

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[*Latin ed. p. 174*]

174 Acta Apostolicae Sedis. - Official Commentary. The Venerable Servant of God, Vincenza Gerosa, co-foundress of the Institute of the Sisters of Charity in Luere, diocese of Brzesc. 3rd, Concerning the validity and importance of the Apostolic Process instituted in the Curia of Paris regarding the reputation for holiness of life, virtues, and miracles in general, of the Venerable Servant of God, Peter Giuliano Eymard, priest, founder of the Congregation of Priests and Servants of the Most Holy Sacrament. 4th, Finally, concerning the cult, in accordance with the Decrees of Urban VIII, never previously offered to the Venerable Servant of God, Benvenuto Bambozzi, priest, professed member of the Order of the Friars Minor Conventual. COLLEGE OF PREPARATORY INVESTIGATORS. On April 15, 1913, before the Most Reverend and Most Reverend Cardinal Domenico Ferrata, Promoter of the Cause of Canonization of the Blessed Joan of Arc, virgin, known as the Maid of Orléans, the College of Preparatory Rites was held, in which the Reverend Prelates and the Reverend Consultors in theology discussed and gave their vote concerning three miracles assured by God, wrought through the intercession of the Blessed, which are proposed for her Canonization. SECRETARY OF STATE. BY ORDER. With tickets from the Secretariat of State, the Holy Father deigned to appoint: April 7, 1913. — The Most Reverend Cardinal Basilio Pompilj, General Vicar of His Holiness. — The Most Reverend Cardinal Domenico Ferrata, Archpriest of the patriarchal archbasilica of the Lateran. April 11. — The Most Reverend Cardinals Basilio Pompilj and Guglielmo van Rossum, members of the Supreme Sacred Congregation of the Holy Office. With Apostolic Briefs, the Holy Father deigned to appoint: Assistant to the Papal Throne: March 28, 1913. — Mons. Antonio Maria Jannotta, Bishop of Aquino, SorÃ¸, and Pontecorvo.

[*Latin ed. p. 175*]

Diary of the Roman Curia. 175 Apostolic Protonotaries, participating in the manner of Cardinals: March 24, 1913. — Monsignor Francesco Cherchi, general vicar of the archdiocese of Oristano. March 16. — Monsignor Carlo de Hackelberg, canon of the metropolitan church of Vienne. — Monsignor Giacomo Kapusta, dean of the Cathedral of Brün. Domestic Prelates of His Holiness: March 14, 1913. — Monsignor Pietro Carta, canon of the metropolitan church of Oristano. March 30. — Monsignor Carlo Enrico Mackel, of the diocese of Newark. Honorary Chamberlains in purple cassocks: March 7, 1913. — Monsignor Michele Anzuoni, of the diocese of Lacedonia. — Monsignor Domenico Monaco, of the same diocese. — Monsignor Luigi Zefelippo, of the same diocese. March 13. — Monsignor Giovanni Canonica, of the archdiocese of Turin. April 3. — Monsignor Giovanni Battista Leitgeb, of the diocese of Secoviae. April 7. — Monsignor

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Isidro Horta, of the archdiocese of Marianna (Brazil). HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of the Golden Militia, also known as the Order of the Golden Spear: April 3, 1913. — To His Most Serene Highness, Mr. Albert Mary Joseph Maximilian Lamoral, Prince of Thurn and Taxis, and Duke of Worth and Dönanstauf. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: March 19, 1913. — To Mr. Ladislaus, noble de Fedorowicz-Jakowski, chamberlain and aulic counselor in the Austro-Hungarian Empire. The Commander's Cross of the Order of Saint Gregory the Great, civil class: March 19, 1913. — To Mr. Baron Filippo Wambolt d'Umstadt, of the archdiocese of Vienne.

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis. - Official Commentary. The Knighthood of the Order of St. Sylvester the Pope: February 26, 1913. — To Mr. Enrico van Thiel, of the diocese of Bois-le-Duc. March 18. — To Mr. Professor Marco Venneri, of the diocese of Cariati. March 29. — To Mr. Augusto Manfredini, director of the Central Credit of Lazio. — To Mr. Giuseppe Micheletti, engraver for the Necrology [of the Holy See]. April 11, 1913. — Monsignor Giorgio de Lucchi, titular bishop of Emesa.

[*Latin ed. p. 177*]

Year V. - Vol. V. April 30, 1913. No. 7. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. LETTERS. I. TO HIS EMINENCE, CARDINAL VINCENT VANNOTELLI, WHOM THE PARISIANS, IN ORDER TO HOLD SOLEMN CEREMONIES IN HONOR OF FREDERICK OZANAM, HAVE APPOINTED AS THEIR LEGATE, PRAISING OZANAM AND HIS WORK. Venerable Brother, greetings and the apostolic blessing. — We have learned that the Vincentian Society is preparing to celebrate, at the approach of the end of the century in which Anthony Frederick Ozanam first brought this light into the world, a solemn commemoration of that man. Indeed, we strongly approve of such a proposal, and we shall gladly do what is necessary to enhance those very ceremonies with the addition of Our own dignity. For we consider it just that he who, indeed, has devoted his entire life, not a short one, to illustrating, both in word and deed, the salutary virtue of the Catholic faith, should be placed among the most distinguished defenders of Christian wisdom; and furthermore, we do not wish to miss the opportunity that is given to us to again testify to Our most favorable disposition towards that Work, which is called the Conferences, of which he is rightly considered the primary founder here. For what is there to admire in an association of this kind – which is entirely devoted to Christian charity, and rightly uses the name and patronage of St. Vincent de Paul? Who would not marvel at how quickly and with what benefit it has spread throughout the

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community? Scarcely had our own, along with a few companions of the same spirit and virtue, sown the seeds, when it took deep root, and, with remarkable speed, grew into a tall tree with widely spread branches, as was fitting for the genius of the French nation, which is not more active, nor more generous, in promoting the cause of Religion.

[*Latin ed. p. 178*]

Acts of the Apostolic See. - Official Commentary. The Society is of great use throughout the world, not only providing assistance to a multitude of the poor, thereby supplying them with means for this life and for eternal goods, but also to its members themselves, whom it conveniently trains through various works of Christian charity to practice all holiness. We consider these reasons sufficient, and indeed more than sufficient, to explain why We, above all, participate in these celebrations, and We desire that the most honorable recognition of this distinguished man, along with knowledge of his work, may increase among men and foster devotion. And indeed, in such a disturbance of all things, caused either by the deceit of doctrines or by the license of desires, it is most beneficial to civil society if those who care for Christian discipline follow, and emulate, Ozanam as their master and guide. Therefore, We always pray to God for greater growth for the Vincentian Society, so that the salutary institutions of its founder may extend far and wide, even to the furthest reaches. Now, as a general assembly is to be held in Paris, where those elected from the highest council will convene, We wish to express Our sentiments in this matter, and We see no one more fitting to whom We could entrust this task than that Cardinal of the Holy Roman Church, who for the twentieth year has served as the patron of this Society at the Apostolic See, a devoted participant in its endeavors and a diligent supporter of its beginnings. Therefore, We send you, Venerable Brother, as Our legate, that you may express Our words in that assembly. Bestow upon the general council and all others who will be present at the aforementioned gathering, as well as upon all who are members of the Vincentian Society, or who assist the poor, and upon all distinguished men of the clergy and laity who have contributed to the honor of these celebrations, Our apostolic blessing, a pledge of divine benefits, which We bestow upon you first, Venerable Brother, with the greatest affection. Given in Rome, at Saint Peter's, on the very day of Easter, in the year 1913, in the tenth year of Our pontificate. PIUS PP. X. II.

To BERNARD HERRERA RESTREPO, Archbishop of BOGOTENSEM, and to other Archbishops and Bishops of the Republic of Colombia, in gratitude for the letters filled with piety which they sent to Us in common. Venerable Brothers, greetings and Our apostolic blessing. — We offer you great thanks for the common letters which you recently sent to Us from

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your solemn assembly; they have greatly pleased Us.

[*Latin ed. p. 179*]

Acta Pii PP. X. 179: "Indeed, not only did we perceive a most clear declaration of your piety towards Us, but also the opinion We held regarding your pastoral zeal was wonderfully confirmed. For We understand that you diligently strive to accomplish all that is desired for the salvation of your people at this time. Therefore, We rejoice with you, and We beseech God to assist and foster the endeavors of your diligence with the gifts of His grace. May this be accompanied by the apostolic blessing, which We most lovingly bestow upon you, venerable Brothers, and your flocks. Given in Rome, at St. Peter's, on the twenty-sixth day of the month of March, in the tenth year of Our Pontificate, 1913, PIUS PP. X. To the Most Reverend Father Germanus, of the nation of Toulouse, Prefect of Studies of the University of Studies, We commend the number of students in the Catholic House; We rejoice in the increase of the discipline under the direction of the Master of the Philosophical Order. Beloved Son, greetings and the apostolic blessing. — Concerning that which you recently reported to Us regarding this University of Studies, which is under your governance, – whether it pertains to the authority and gravity of the assembled doctors, or to the soundness of the doctrines which are taught there, or to the sanctity of the discipline by which all students, especially the clerics, are governed, – We know that these things have already occurred to Our great satisfaction. Nevertheless, We have deemed it fitting to send you these letters, from which We wish to make it clear how much We appreciate your work in directing this Institute and the care of the bishops. It is especially pleasing that, at your suggestion, they are considering increasing the number of professors of philosophy, according to Our wishes, so that this branch of higher studies, upon which all other studies rely as a foundation, may be properly and solidly established. It remains that, as the Institute abounds in the number of teachers, it may also flourish in the number of students; for indeed, the number of students is too small, and only then can it truly bring forth the abundant fruits that are expected. This will be conveniently accomplished if the patron bishops strive to send two or three students each year to that place, to be cultivated in philosophy and sacred disciplines; and We earnestly desire that they do so. As a pledge of divine blessings and as a testimony of Our singular benevolence towards you, beloved Son, and towards the venerable Brothers who are entrusted with the care of this Athenaeum, and towards all..."

[*Latin ed. p. 180*]

180 Acta Apostolicae Sedis. - Official Commentary. We impart, with the greatest affection, the apostolic blessing to you, and to your teachers and students. Given in Rome, at St. Peter's, on the 11th day of April, 1913, in the

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tenth year of Our Pontificate. PIUS PP. X. IV. TO THE MOST REVEREND CARDINAL FERRATA, ARCHPRIEST OF THE LATERAN, WHOM WE DECLARE OUR LEGATE TO THE EUCHARISTIC CONVENTION OF MELITA. Our beloved son, greetings and the apostolic blessing. — Among the public and illustrious demonstrations of faith that the Catholic name will give this year through the Constantinian celebrations, the Eucharistic Convention, certainly, will stand out; for this very solemn commemoration will bring light to the vindicated freedom of the Church, of which the divine Founder is present and living in the august Sacrament. And the place chosen for this gathering is very aptly selected: the island of Melita; which, because it is subject to the most powerful empire, and because it is frequented by merchants and sailors from all parts of the world, and because it lies in the bosom of the Mediterranean Sea, and therefore occupies a central position in the ancient world, to which Constantine the Great demonstrated the glory of the Cross of Christ. Therefore, it has never happened that those who should represent the person of the Supreme Pontiff are lacking at the most celebrated Eucharistic Conventions; much less should it happen this year, in which the commemoration of so blessed a memory occurs. Therefore, We have considered it Our duty, Our beloved son, to choose one who is highly recommended to Us, either by his outstanding qualities of mind and character, or by his serious and diligently performed missions, or even by his writings which promote piety. Moreover, you yourself visited those places not long ago, sent by Us, to place a golden crown upon the most sacred image of the Virgin Mother, which is venerated there; and We remember how diligently you carried out this mandate, and how much you showed concern for the people. Therefore, We send you to the Eucharistic Convention of Melita, to preside over it in Our name, and We declare you Our Legate by these letters. We do not doubt that the event will be successful, given the zeal and diligence of those who are preparing for the Convention, and the fervor and piety of the people.

[*Latin ed. p. 181*]

From the Acts of Pope Pius X, No. 181: It is well known that the people of Malta yield to no one, certainly not in the profession and practice of the Catholic faith. For the Apostle of the Gentiles, having escaped from a shipwreck, was received with generous hospitality on the island; and this very faith, passed down from their ancestors, they have steadfastly maintained, even amidst great changes in fortune. And no witness could be more eloquent of this faith than you, our beloved Son, to whom it has happened that you not only do not neglect, but preside over, the solemn Marian celebrations. And if the piety of the Maltese people has shown such great honor to the great Mother of God, what will be the honors that will be offered to Christ Himself, God, when the inhabitants, both native

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and foreign, strive with fervor, as is reported, to come to Malta from all sides? Therefore, it is now permissible to affirm without any doubt that this gathering will be memorable both for its piety and for the splendor of its ceremonies. But who would deny that this gathering, which is greater, will bear abundant fruit, not only for the people, but for the Catholic world at large, especially if the common deliberations held there are directed, above all, to ensuring that obedience to Our prescriptions concerning the Divine Eucharist is more diligently observed? Indeed, there is nothing that is more important for the common good than that men should come to know, to amend, and to practice with greater zeal the immense charity of Jesus Christ our Lord. For the human race, whether through a lack of good examples or a deficiency of true virtues, suffers greatly! But one alone can heal or help, He who is, by His very nature, good and rich; and He, as prompt as He is willing, has wished to be present with us, to heal and to help, through the hidden mysteries of the Eucharist. Receive, our beloved Son, this apostolic blessing, which we bestow with the greatest affection upon you and upon all those who will celebrate the Maltese gathering, as a pledge of divine favors and a witness of Our singular benevolence. Given in Rome, at St. Peter's, on the eighth day of the month of April, in the tenth year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 182*]

182 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION CONSISTORIAL. I. ERECTION OF ARCHDIOCESES AND DIOCESES. Most Holy Father, Pope Pius X, by decree of this Sacred Consistorial Congregation of the 30th of November, 1912, divided the Diocese of St. Albert into two parts, and in its southern territory, established a new and distinct diocese, to be called the Diocese of Calgary, with the following boundaries: to the east, by the civil boundaries of the provinces of Alberta and Saskatchewan; to the south, by the boundary between the United States of America and the Canadian dominion; to the west, by the boundaries of the provinces of British Columbia and Alberta, or by the peaks of the Rocky Mountains; and finally, to the north, by the line that divides the civil counties, commonly called "townships," which are numbered 30 and 31. Furthermore, Most Holy Father, He withdrew the Diocese of St. Albert, with the aforementioned boundaries, from the metropolitan jurisdiction of the Church of St. Boniface, and elevated it to the dignity of a metropolitan see, transferring the seat from the city of St. Albert to another city, commonly called Edmonton; henceforward, this diocese will be called the Diocese of Edmonton. Moreover, the new Diocese of Calgary, together with the apostolic vicariates of Athabaska and Mackenzie, were withdrawn from the metropolitan jurisdiction of the Archdiocese of

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St. Boniface, and assigned as suffragan sees to the metropolitan Church of Edmonton. II. ERECTION OF THE DEANERY. Furthermore, Most Holy Father, Pope Pius X, by decree of the same Sacred Congregation of the 10th of April, 1913, established within the cathedral chapter of Blois, one honorary dignity, to which the title of "Deanery" belongs.

[*Latin ed. p. 183*]

Sacred Congregation of the Consistory. 183 III. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Pius X has provided for the following churches, namely: March 4, 1913. — The metropolitan church of Capua has been assigned to Reverend Monsignor Januarius Cosenza, formerly Bishop of Caserta. March 31. — The titular archiepiscopal church of Larissa has been assigned to Reverend Charles Montagnini, canon of the patriarchal Basilica of the Lateran and apostolic delegate in the Republic of Colombia. April 4. — The cathedral church of the Body of Christ has been assigned to Reverend Paul Nussbaum, consulter of the Congregation of the Passion of Our Lord Jesus Christ, in the province of Baltimore. — The cathedral church of Calgary has been assigned to Reverend John Thomas McNally, parish priest in the archdiocese of Ottawa-Cornwall. April 9. — The metropolitan church of Cagliari has been assigned to Reverend Francis Rossi, of the diocese of Padua, vicar general of the archdiocese of Perugia. — The cathedral church of Imola has been assigned to Reverend Paulinus Cortona, in the world John Tribbioli, of the Order of the Friars Minor Capuchin, general secretary of the general curia of the same Order.

OF ROME AND OTHERS. DOUBTS REGARDING THE CELEBRATION OF THE MASS IN PRIVATE CHAPELS. After the Most Holy Pope Pius X, by his Motu Proprio "Supremi disciplinae" concerning feast days, dated July 2, 1911, reduced the number of feast days to be observed by the Church, and the Sacred Congregation of Rites issued the Decree "Evulgato Motu Proprio" on July 24 of the same year, the following doubts were presented to this Sacred Congregation concerning the Sacraments: I. Whether the celebration of Mass in private chapels is prohibited on feast days, specifically the solemn commemoration of Saint Joseph, the Annunciation of the Blessed Virgin Mary, and the commemoration of...

[*Latin ed. p. 184*]

Acts of the Apostolic See. - Official Commentary. 184 concerning the solemn celebration of the Most Holy Body of Our Lord Jesus Christ, and on the feast of the Patron of each place, when they are not of precept; II. Whether it is considered permissible to celebrate on the feast of the Most Holy Trinity, on the Sunday within the Octave of Corpus Christi, and on the Sunday on which the Nativity of Saint John the Baptist is celebrated. To these doubts, the most eminent and most reverend Cardinals of this

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Sacred Congregation, in a plenary session held on April 4, 1913, responded: Negatively, to both. His Holiness, in an audience with the undersigned Secretary, on April 5 of the same month, deigned to declare this response ratified and confirmed. Given in Rome, from the Secretariat of the Sacred Congregation for the Discipline of Sacraments, on April 11, 1913. D. CARD. FERRATA, Prefect. Ph. Giustini, Secretary. SACRED CONGREGATION FOR RELIGIOUS ORDERS. DECREE. THE NEW EDITION OF THE GENERAL CONSTITUTIONS OF THE ORDER OF THE MINOR FRATRES IS APPROVED. Our Most Holy Lord, Pope Pius X, moved by divine providence, having deigned to decree on October 25, 1911, by his own initiative, that the General Constitutions of the Order of the Minor Fratres, approved and sanctioned by Pope Leo XIII, through the Decree of the Sacred Congregation of Bishops and Regular Canons of May 15, 1897, and through his own Apostolic Constitution *Felicitate quadam* of October 4 of the same year, should be newly and authentically published, with appropriate suppressions, additions, and amendments, so that they would fully respond to the needs of the present day and to canonical prescriptions, by a special Commission established for this purpose, consisting of certain selected Fathers of the same Order.

[*Latin ed. p. 185*]

Sacred Congregation of Religious. 185. Whereas the draft of this new edition, prepared by a pontifical Commission, revised and corrected in certain passages by the General Definitorium, and diligently examined by three Sacred Cardinals designated by His Holiness, who, where necessary, made corrections, and finally approved it, His Holiness, in an audience on the 4th of the current month of March, granted the following to the Cardinal, member of the Sacred Congregation for the Affairs of Religious, Prefect of the aforementioned Congregation: He benignly approved the new edition of the general constitutions of the Order of Friars Minor, as it is contained in the exemplar preserved in the archives of the aforementioned Sacred Congregation, and commanded that it be faithfully observed by all and each of the members of the aforementioned Order throughout the world, notwithstanding any Apostolic Constitutions and other constitutions of the same Order, and other matters deserving of special and individual mention, which may be contrary to it. Given at Rome, on the 27th of March, 1913. Fr. J. C. CARD. VIVES, Prefect. L. S. F. Cherubini, Subsecretary.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH.

I. APPOINTMENT OF A BISHOP. By an apostolic brief, he was appointed: February 23, 1913. — Titular Bishop of the Church of Leptis Magna and Apostolic Vicar of the new vicariate of Libya, the Reverend

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Father Ludovicus a Mazzano, in the world, John Baptist Antomelli, a member of the Order of Friars Minor of the Leonine Union.

II. CESSATION FROM OFFICE. Our Most Holy Pope Pius X, in an audience on April 3, 1913, benignly accepted the resignation of the Reverend Father D. Aemilius Allegeyen from the office of Apostolic Vicar of Zanzibar.

[*Latin ed. p. 186*]

Acts of the Apostolic See. - Official Commentary. 186. SACRED CONGREGATION FOR THE RITUAL. OF THE APOSTOLIC DELEGATION OF CANADA. DOUBTS CONCERNING THE DAYS ON WHICH THE ORDINATION OF BISHOPS MAY TAKE PLACE. The Most Reverend Father Peregrine Stagni, of the Order of the Servants of the Blessed Virgin Mary, and Apostolic Delegate in the territories of Canada and Newfoundland, humbly presented the following to the Sacred Congregation for the Ritual: In these regions, the custom has prevailed of holding the ordinations of new bishops on a day of the week other than Sunday, and preferably on a weekday, primarily for the reason that other bishops, and especially the diocesan clergy, may more easily and in greater numbers attend the sacred celebration. Indeed, according to the Roman Pontifical, the day for the episcopal ordination "ought to be a Sunday, or the Nativity of the Apostles, or also a feast day, if the Supreme Pontiff has specially granted this dispensation." However, certain doubts have arisen concerning the interpretation of this prescription, which are presented here for a suitable solution, namely: I. Since the Evangelists are considered equal to the Apostles in liturgical matters, is it permissible to hold the episcopal ordination on the feast days of Saint Luke and Saint Mark? II. Is it permissible to hold it on the feast of Saint Barnabas, the Apostle? III. Is a special indult from the Supreme Pontiff required to perform the episcopal ordination on feast days within the week, namely a) those which are still obligatory and therefore equivalent to Sundays, b) or even those which were formerly obligatory, or on suppressed feast days? And the Sacred Congregation, after careful consideration and with the support of the Liturgical Commission, deemed it appropriate to respond as follows: To I and II: Negatively. To III: Affirmatively, in both cases. And thus it decreed and declared. April 4, 1913. F r. S. CARD. MARTINELLI, Prefect. L.©S. fPetrus La Fontaine, E p. Charystien., Secretary.

[*Latin ed. p. 187*]

Sacred Congregation of Rites. 187. ORDINANCES OF THE BENEDICTINE CONGREGATION OF HELVETIC-AMERICAN ORIGIN. DOUBTS. The Reverend Father Gregory Hiegle, O.S.B., humbly presented the following doubts to the Sacred Congregation of Rites, for appropriate resolution:

I. In the Helvetico-American Congregation, the feast of the Reparation of Injuries is celebrated according to the rite of the Second Class on the

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Friday after the Sunday of Sexagesima. However, in the Roman-Monastic Missal, according to some editions of the year 1891 and subsequent years, in the Mass of the Reparation of Injuries, etc., the following rubric is read: "After Sexagesima, omitting the Alleluia and the following verse, and the Sequence, the Tract is said." This is not in accordance with the rubric found in more recent copies of the same Missal, approved by the Sacred Congregation of Rites on January 13, 1909, which states: "After Sexagesima, after the Gradual has been said, the Tract is immediately added, as 'below,' and then the Sequence, at the end of which the Alleluia is not said." Given these circumstances, the following question arises concerning such a Sequence: What is to be done in this case?

II. Concerning the Cantor's edition of the Vatican, "IX. tone Versicles Benedicamus Domino," page 68, can the tone for solemn feasts be used in feasts of the Second Class, both first and second, without any difference?

And the Sacred Congregation itself, having also heard the opinion of the Liturgical Commission, considered that the following answer should be given to the questions:

To I. The Sequence should be observed in places where it has been legitimately granted, since, as is evident from the feast of the Seven Sorrows in the month of March, it is not contrary to the Time after Sexagesima.

To II. Affirmative, according to the norm that is found in the Roman Gradual concerning the chants of the Ordinary of the Masses.

And thus it was written and declared.

April 4, 1913.

Fr. S. CARD. MARTINELLI, Prefect.

L. © S. Petrus La Fontaine, Bishop, Secretary.

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA. I. MECHOACAN. Regarding Credits. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, the Most Reverend Fathers, Doctors Michael Lega, Dean, Ponens, Joseph Alberti, and Peter Rossetti, Auditors at Tournon, in the case of Mechoacan, delivered the following judgment regarding credits, between the Dominions of Carrasquedo and the Reverend Fathers Augustinians of the Province of Mechoacan, the former represented by the legitimate attorney, Advocate Henry Benvignati, and the latter represented by the legitimate attorney, Advocate Thomas Ambrosetti, on the 4th of January, 1913. The credit which Angela and Mary Carrasquedo claim in the present action against the Reverend Fathers Augustinians of the Sacred Province of Mechoacan, originates from a contract entered into in the year 1856 by the aforementioned Mucio Valdo, formerly a professor in the same Augustinian religious order, who, having legitimately left the religious life by a decree of secularization in the year

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1844. On the 12th of April, 1856, he obtained from the Reverend Fathers Augustinians the estate of Santa Monica for a lease of 9 years, with an annual rent of 11,000 scudi, and furthermore, the lease contract stipulated that it should be valid from the 1st of January of that same year. Since the aforementioned estate had already been leased to several tenants, it was agreed that a new tenant should collect all the rents from the 1st of January, 1856, but that he might, for that same year, either increase the annual payments, or change the tenants. In the same contract, it was stated that the tenant, or Mucio Valdo, paid 22,000 scudi, corresponding to two years' rent due under the lease. For the formalities required in such contracts concerning the alienation of ecclesiastical property, it is noted only that the Provincial Prior used "the broadest powers that were granted to him." Meanwhile, two months after the beginning of this contract, or on the 25th of June, 1856, the so-called "Law of Amortization" was enacted, by virtue of which religious families were deprived of the legal and civil right to possess, administer, or acquire real estate.

[*Latin ed. p. 189*]

The Roman Rota. 189. Only those houses were left which immediately and directly served the institution itself. Because of this law, on September 15, 1856, a new agreement was initiated between the provincial vicar, Father Vincent Contreras, and Mr. Mucius Valdovinos, by virtue of which, "for a just reason," the agreement to continue renting the estate of "St. Monica" was rescinded, and the already begun lease was dissolved; but the payment previously made, of 22,000 scudi, was not revoked, but rather was considered valid and confirmed, with the intention "of settling with the aforementioned province, and if this could not be achieved, of pursuing legally the proceeds of the estate of St. Monica, for which purpose he requests that a formal mortgage be established." The provincial vicar approved of Mr. Valdovinos' intention, declaring that an agreement should be made with him to remit the aforementioned sum, concluding: "Provided that the proceeds of the estate of St. Monica remain mortgaged in the event that this agreement is not fulfilled." It appears that, in execution of this agreement, a contract was stipulated on November 6, 1857, between Father Contreras and Mr. Mucius Valdovinos, in which it is stated that, since November 14, 1856, the agreement had been made to pay "the corresponding interest at 6% of the aforementioned sum, remaining obligated for the province to return the principal from the first funds it has in its possession." To satisfy this obligation, the same province ceded and transferred to the aforementioned Mr. Valdovinos certain public bonds or credits to be collected from the highest government to which the province had given a certain sum as a loan, namely, 119,520 scudi. Subsequently, Mr. Mucius had the right to use these bonds to satisfy his credit, for a certain portion, as is stated in the aforementioned contract: "If these bonds are

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sold at the current price, the aforementioned gentleman will apply them to the income and capital, and I, the Reverend Provincial, reiterate that because the debt is so sacred, I will put every resource into action so that it will be extinguished within the year." After these bonds were sold, the sum reached 7,000 scudi. However, Father Vincent Contreras, in a letter dated March 24, 1859, reminded the provincial vicar that Mr. Mucius was to pay 7,000 scudi from the aforementioned bonds sold, and that he had given instructions to the Reverend Canon, as procurator, to collect them. However, the question of how Mr. Mucius, who had previously received this sum for payment, subsequently evaded the same Augustinian Fathers, who were the debtors, is a question not easily resolved, and which will be discussed when the merits of the case are considered. The Reverend Mr. Mucius, upon his death, which was celebrated with a eulogy on July 26, 1864, appointed his sister, Raymunda, as his heir. This woman had an heir.

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis. - Official Commentary. Eleonoram, her niece, to whom, by will dated September 2, 1880, her daughters Mary and Angela Carrasquedo, the present actresses, succeeded. A suit was brought before the ecclesiastical court of Mechoacan on October 24, 1904, to recover 22,000 scudos from the Augustinians, a sum paid by their former director, Valdovinos, and never repaid by the debtors. The Augustinian Fathers, being summoned to court, initially raised an objection of incompetence, claiming the right of exemption from the jurisdiction of the Ordinary. However, this objection was rejected by the vicar general, who, asserting his competence, resolved the matter with a final judgment on July 24, 1908, declaring that they were indeed indebted for the asserted sum, with interest to be calculated from the last five years. The Augustinians appealed to the Holy See, and the matter was brought before this Holy Office. On June 1, 1911, a judgment was issued stating that, due to a lack of competence, the judgment of the court of Mechoacan was declared null and void, and, in the matter itself, the Augustinians were not obligated to pay the sum of 22,000 scudos (commonly called pesos). Mary and Angela did not accept this judgment, but instead interposed an appeal, about which we know today. First, it must be determined whether the court of Mechoacan was truly incompetent, and therefore whether its judgment is null. In asserting its competence, the court invoked the decree of Innocent IV, mentioned in Chapter I, On Privileges, in VI, in which Regular Canons, although exempt, are subject to the Ordinaries with regard to contracts entered into in places not exempt. This constitution was reaffirmed by the Council of Trent, chapter 14, with the words: "What civil causes can be known by the bishop?" (session VII, On Reforms). But this assertion is based on an equivocation, which is completely dispelled if a necessary distinction is made between two kinds of exemptions, as Fagnan did in

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his Commentary on chapter On Privileges in the Decretals of Gregory IX. He distinguishes between two kinds of exemptions: a general one and a special one. He recounts that before the Council of Lyons, when the Constitution of Innocent IV was promulgated, the question was raised whether a general exemption included even offenses or acts committed in a place outside the exempt location. And the Constitution answered that, by virtue of the exemption, immunity from the jurisdiction of the Ordinaries "extends only when the offense or contract is committed or the dispute arises in the exempt place." The special exemption, on the other hand, is that which is enjoyed by Regular Canons in general, and it has a specific expression regarding offenses committed, contracts entered into, or disputes arising, even in a place not exempt. And Fagnan, 1. c., n. 19, mentions that this special exemption was granted to the Eremite Brothers of the Order of St. Augustine, referring to the Constitution of July II, Etsi ad benemerendum, of June 17, 1508, by which Constitution...

[*Latin ed. p. 191*]

The Roman Rota mentions this special exemption in 191 instances and confirms it. Originally, it was granted by the Constitution of Clement VI, *Ad fructus uberes*, issued in July of the year 1346, and by another Constitution of Sixtus IV, *Dum fructus uberes*, in February of the year 1474. Furthermore, the aforementioned chapter *Volentes* of Innocent IV, and chapter XIV, session VII, and chapter XX, session XXIV, of the Council of Trent, concerning reforms, declared that the Regular clergy are "therefore to be brought before their superiors, or Guardians, according to their privileges." The Sacred Congregation confirmed these declarations on August 24, 1607, as reported in the edition of the Council of Trent edited by Ludovicus Richter, at chapter XIV, session VII of the Council of Trent. However, a judge of first instance derived a different argument for his own competence from this chapter of the Council of Trent, for two reasons. For the Council of Trent ordered that "in other (civil) cases, if they do not have the judge (namely, the Guardian, or one delegated by the Apostolic See), they may be brought before the local Ordinaries as if delegated by that very See," and previously, it had ordered that "Regular clergy living outside the monastery, whatever their exemption, should be brought before the Ordinaries, even if a certain judge has been appointed in that area." The judge in Mechoacan observed that it is certain and uncontroversial that the Augustinian Fathers neither have Guardians as judges, nor are they to be considered to live and reside within the cloister of the monastery, since they have been dispersed by tyrannical laws that prohibit them from residing in their monasteries. Furthermore, the same judge invoked the prescription of the Plenary Council of Latin America, approved by Leo XIII, on December 25, 1898, where in Canon 304, it is urged that the aforementioned chapter XIV, session 7, of the Council of Trent, as well as the Constitution *Volentes*, and

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the Constitution of Gregory XV, *Sanctissimus*, of September 20, 1621, be observed: "Regarding the knowledge and definition of cases that should be known by their Guardian judges, if they have dared to act otherwise than according to the form of the aforementioned Constitution." And these are referred to in the appendix of the same Council, under number 121, where the "principal matters in which exempt Regular clergy, excluding their undoubted privileges, are generally subject to the bishop, according to the list of Giraldi and Lucidi" are briefly described. Indeed, it must be noted that the Doctors [i.e., theologians] considered that by "Guardians" are to be understood and included the judges delegated by the Apostolic See to defend certain privileged or exempt persons from the power of the Ordinaries, such as religious orders, universities, capitularies, and poor persons, whenever they are brought before a court or are parties involved, and are to be defended from manifest or...

[*Latin ed. p. 192*]

192 Acta Apostolicae Sedis. - Official Commentary. [Concerning] notorious injuries and violence inflicted and to be inflicted, without judicial investigation. This is not compatible with notorious and manifest injuries; for in such cases, an effective defense must be granted, solely upon the notoriety and evidence of the fact. Schmalzgr., de off. iud. deleg., no. 51 sq.; Ferraris, Promp. Bibl., V. Conservatores; Benedict. XIV, de Syn., cap. 6, 1. IV, I. These privileged persons were easily granted the right to choose Conservatores; but the Council of Trent, session XIV, c. 3 and c. 14, already cited in session VII, de Ref., restricted the powers of the Conservatores. Gregory XV, September 20, 1621, restored the right concerning Conservatores with new ordinances; but Clement XIII, because of abuses arising again, especially in mission territories, forbade this constitution in his Constitution Cum omnium, April 23, 1762, and regulated its application to all Superiors of Regular Orders; hence, gradually, the office of the Conservatores fell into disuse, and it may now be said to be almost obsolete, as demonstrated by the judgment appealed. Cf. Wernz, Ius. Beeret., vol. II, no. 562. Furthermore, since these delegated judges or Conservatores were intended to defend religious families from notorious injuries and violence, it is clear that, even if they were still in effect, they would not be relevant to our case; as the attorney for the plaintiff readily admits. However, concerning the other condition required for religious orders to enjoy exemption from the forum, namely, that they must reside within the cloister, it is clear that this cannot be invoked in this matter, as the judge of first instance asserted in order to establish his competence. For, among others, the canonist Reiffenstuel, in vol. I, de off. iud. ord., comments on the clause "those residing outside the cloister," and teaches that "those who have a permanent residence outside the monastery (as, for example, for the purpose of studies) are to be considered as residing outside the cloister," but not

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"those who are outside the monastery for two or three months, even for the purpose of preaching or recreation, or for some similar reason." This, however, refers to individual religious, and pertains to them for legitimate reasons, because it is scarcely conceivable that an entire religious province, in the legal sense, resides outside the monasteries. Whenever this occurs, almost the entire religious family is involved in extraordinary circumstances, which are certainly not considered, especially by ancient law. Therefore, that condition, which deprives religious residing outside the cloister of exemption, certainly does not apply to the moral person, such as an entire religious province. Whatever limitations or conditions restrict privileges, and are therefore subject to broad interpretation, are...

[*Latin ed. p. 193*]

The Roman Rota is to be understood most accurately according to the proper meaning of the words and the common interpretation of the Doctors. However, in the case before us, the very sacred Province of the Augustinians in Mexico was involved in the judgment. Moreover, as the appealed judgment points out, in our matter, if the exemption of religious from their homes were to be taken away by atrocious violence, affliction would be added to affliction, which is contrary to natural justice itself. The text cited from the American Council is relevant insofar as it confirms the common law that we have expounded, which, however, was not deemed to be sufficiently proven in this case by the Lords. Therefore, the judgment of the Court of Mechoacan lacks a legitimate foundation, or the competence of the judge, and therefore it lacks all force and effect, and is in no way able to produce the effect of a res judicata. It is established in the forum that such a judgment can be appealed to a higher judge, because the question of the nullity, more or less explored, of the appealed judgment is brought to his knowledge. The judge of first instance, by pronouncing a null judgment, has fulfilled his duty, albeit poorly: therefore, he cannot object if the cognizance of the matter is referred to a higher judge, especially since the judge of first instance, by acting in this way, has become suspect and unwelcome to the appealing party, and this procedure has been validated by usage and custom. It cannot absolutely be said that a judge who has pronounced a null judgment is incompetent to again examine the matter, if there is no defect of competence; for he could himself recognize the nullity and pronounce a definitive judgment on the matter. Reiff., De Appell., n. 28 sq.; Bouix, De iud., vol. II, p. 407 sq. Now, concerning the merits of the case, the following were considered certain by the Lords: 1° That a contract of lease, or rather, a conveyance of rights, took place between Mucius Valdovinos and Father Gracia, in order to avoid the effects of the laws applicable to the religious patrimony of Lavaur. Indeed, these laws are not immediately enacted, but are prepared beforehand in public opinion, as it is commonly said, either in the public speeches of the people or in the people themselves. Mucius

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Valdovinos, moreover, was a man with considerable experience in public affairs. These rumors about the future law that would overturn things were spread beforehand, as Father Vincent Contreras recounts in a letter dated December 16, 1856, addressed to the Supreme Pontiff. 2° However, this does not necessarily mean that the contractual act itself was simulated or ineffective, by the will of the contracting parties, in order to transfer rights that could not be alienated; the contract itself, by its own force, transfers the rights. ACTA, vol. V, p. 7. — 30-4-913. 14

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis. - Official Commentary. For, as has happened daily and everywhere, in our age, where the laws of ecclesiastical property are subverted, ecclesiastical moral persons freely, with legitimate permission from their superiors, sell their rights to those who will preserve them, in accordance with the mandates of the Church: but this does not mean that the intention is either of the Church or of the seller, that the rights are truly transferred to another, although for a certain and particular purpose of defense. 3° Indeed, simulation is not presumed unless it is clearly proven; therefore, the act must be upheld as far as possible, even in the case where, from the documents presented, it appears to be the case that the act was truly made, by the will of the contracting parties, to transfer certain rights, although for a certain purpose. 4° It cannot be effectively objected that the contract is presumed to be simulated, rather it should be presumed to be a genuine contract, because Mucius did not demand the execution of the contract, but rather rescinded it four months later. For, it is clear from the documents that Mucius strove for the execution of the agreement, but had fierce opponents who intended to take advantage of the benefit granted by the unjust law. Thus, in a report made by the administrator of the local government, it is written that the former landowners of S. Monica wished to use all the rights granted to them by the subverting law; but they were prevented from leasing the land to Mucius Valdo, "because" (circumstance) "this could be the cause of an uprising if, in the end, said P. Valdovinos were to be presented as the tenant of "such property." And here, in his will dated June 8th, he states: "A month and a half or two months after (the beginning of the lease), the law of June 25th was enacted, and despite my efforts, I was not recognized as the tenant, although "the same law protected me." Furthermore, even if the contract had been simulated, both the lessor and the lessee should have striven to have the act brought to execution. 5° Regarding the lack of formalities and, in particular, the apostolic approval, it must be noted that this cannot be absolutely asserted, since in the words of Father Gracia, all the necessary faculties may have been conveniently concealed: for he testified: "using the broadest faculties that were granted to him." The reason for not mentioning the Definitorium was to avoid angering the Government, whose

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laws were intended to be circumvented. Furthermore, the rule explained by Schmalzgr., t. de reb. eccles, alien., no. 148, certainly holds, namely that an act is presumed to have been properly executed, especially after such a long period of time. However, the letters of Father Contreras dated December 16, 1856, addressed to the Holy Father, present a difficulty, in which Father Garcia...

[*Latin ed. p. 195*]

The Roman Rota. In order to avoid such a great burden, nineteen individuals made sales without consulting the Definitorium, but with the advice and consent of the Bishop of Mechoacan. Indeed, we do not know whether the disputed lease is included in this census, nor can it be absolutely concluded in this case that there was not a need that excused them from the law of the Church, which does not obligate when there is such a serious inconvenience, especially when the advice and consent of the Bishop were present. Furthermore, we do not know whether the dispensation requested in the aforementioned petition of 1856 was granted, as, in other cases, a dispensation was granted in 1878, requested by the highest administrator of the Order. However, even if the truth of the contract is admitted, it does not follow that all the conditions contained therein were in conformity with the truth and the intention of the contracting parties. The dispensation was intended to ensure that the contract would be valid, and thus that the property would be preserved by a new owner who would recognize the rights of the Religious: therefore, with regard to the sum of 22,000 scudi mentioned in the text of the contract, corresponding to two annual payments, all the circumstances seem to indicate that this sum was not actually paid, but that mention was made of it in order to better prove and enforce the validity of the agreement. For, the property would be more easily transferred to a new owner, since no one could possess the property unless this debt was recognized against Mucio Valdovinos. Certainly, it does not seem likely that such a large sum was paid at that time. Such simulations or fictions, whether regarding the amount paid or its nature, are common in contracts, even though they do not involve serious necessities and conditions such as those that existed for the Religious, which are explained and lamented with tears and complaints by Father Vincente Contreras in the aforementioned letters of December 16, 1856, when he recounts the fictions used in several contracts in order to safeguard, as much as possible, the assets of his religious community. Furthermore, it seems that the accusation of debt on the part of the Religious was made through a fiction, as is evidenced by the subsequent confirmations, and in particular by the act of November 6, 1857, in which the amounts owed to the public treasury, equivalent to 7,000 scudi, were cancelled. In this contract, the Religious state that the lease was not given "effect due to difficulties that both parties could not overcome," they acknowledge the debt of 22,000

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scudi to Valdovinos, and they indicate their willingness to have the sum of 7,000 scudi applied to the partial extinction of that same debt. Therefore, the fictitious credit of 22,000 scudi conveniently provides an opportunity for another contract in which the sum of 7,000 scudi is attributed.

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis. - Commentarium Officiale. Mucio was indebted to the creditor, and thus, under the guise of a debt, they were defrauding the treasury; but, according to a tacit agreement, it was arranged that Mucius should demand the sum in the name of the Religious. The subsequent actions demonstrate that this was the certain intention of the parties involved. Indeed, Mucius was later accused in open words of bad faith, because he dared to use this sum for his own purposes, and he refused to return it to those to whom the Religious had entrusted it. In truth, on March of 1859, Father Vincent Contreras sent letters to the provincial vicar, admonishing him: "On the 27th of the current month, he must liquidate and pay 'a bill of bonds' from Father Valdovinos, which amounts to 7000 scudi, and Mr. Canoino is charged with collecting them." From the contract initiated on June 13, 1869, it is clear that Mucius fully acknowledged this debt, that he had not yet paid the equivalent amount, and that he accepted and signed promissory notes in favor of Mr. Canoino for the same sum. However, Mucius did not fully satisfy these promissory notes, so a legal action had to be undertaken, and so the matter proceeded to the point that a mortgage was registered on his properties in Calvario and Colaboro, as security for the remaining sum owed to the Augustinians. From the way in which Mucius acted with Valdovinos, who was summoned to court and whose properties were subjected to mortgages, without ever receiving his credit of 22,000 scudi against the Augustinians, it can be inferred that this credit was fictitiously recorded, and that it should be inferred that this debt was paid. However, it is far more probable that the hypothesis of a fictitious credit on the part of Mucius is correct, namely, that the sum of 7000 scudi was paid; but shortly thereafter, this same sum was recovered by the Religious, even through a legal action. And in a meeting held by the Fathers Definitor in August of 1859, they "unanimously decided... to establish the measures that must be adopted to compel the priest, Father M. Valdovinos, to pay 7000 scudi that he owes to this province, for bonds that he received and sold on commission from the Reverend Father Contreras." Therefore, the payment was simulated, and it is equally likely, and for the same reasons, that the credit itself was simulated, since Mucius, having pretended to have received payment for his credit, it is reasonable to infer that this was also a simulation. Nor should another argument for this simulation be overlooked, derived from the will of the priest Mucius, which stated: "I have taken in rent... the property of Saint Monica through a public deed... Therefore, the executor of my will must, after the Order has been

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restored, promote this matter..." These words, where no mention is made of the credit of 22,000 scudi, and only the rental contract is mentioned, clearly seem to confirm our conclusion, namely, that the credit was simulated in order to strengthen and secure the contract, as is often the case in such matters.

[*Latin ed. p. 197*]

The Roman Rota. Actricua, the procurator, in order to safeguard the existence of the credit against such vehement presumptions, asserts that the credit can certainly stand, because the intention of Mucio was to urge the fulfillment of the lease contract, the proof of which was the sum represented by 22,000 scudi, for the fulfillment of the two-year term of the agreed lease. But, a flimsy defense. For, as Valdovinos himself confesses in the related testamentary words, the value of the contract was hypothetical and uncertain: "It is understood that the 'order' is restored; on the contrary, the credit was liquid; the former was to be recognized by public authority, the latter was to be claimed from the Augustinians." Therefore, why does he not defend himself with this exception against the judicial demands of the Augustinians? Why, in the will, recalling "the rights and actions to which I refer," does he not also mention the credit against the Augustinians, which clearly exists independently of the value of the contract? Therefore, after considering everything, from the arguments presented, such a presumption of the simulation of the credit arises, which fully convinces the Lords. Furthermore, argument c. 17, De praesumat, and c. 13, § Qui autem, De haeret, in Decret. Greg. IX, and c. 7 and 8 of the same title, in VI, Devoti, cum communi, in their Inst. iur. can. 1. 3, t. 9, n. 31, formulate the following rule: "All presumptions of men depend on the judgment of the judge, to whom it belongs, according to the religion of his mind, to judge how much weight they have and how much credence should be given to them." This argument would certainly be sufficient to resolve the matter judicially. However, in the present case, the presumptions have been gathered in one sense and in another. The Lords have observed that the mind of the judge is more secure in the more objective argument, which is clearly found in the prescription. This was truly introduced so that the good and tranquility of citizens might be considered. Gaius 1. 1, De usucap. and usuc, Dig., says: "Usucapio was introduced for the public good, so that certain things would not have uncertain ownership for a long time; and so that there would be an end to lawsuits (1. Cum in notiss. princ. Cod. De praescr. 30 vel 40 ann.) and so that the property of citizens would not be lost (1. 28, de V. S.)." Canon law approved this institution of prescription. Furthermore, he who examines the arguments of the present action sees them scattered in various directions, the acts multiplied by numerous conjectures and rules invoked here and there: hence it has happened that the judge of first instance asserted a right that the Rota judges considered should be denied. But now

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more than fifty years have passed since the beginning of the contract, a contract of alien money, and who...

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis. - Commentarium Officiale. How can one know what the intention of the contracting parties was and the force of the agreements, especially in that turbulent age and region? Therefore, the remedy of prescription is providentially applied, which in this case is not acquisitive, but extictive of the obligation or debt. This remedy, however, produces its effect more easily, because, as the Doctors of Law demonstrate, the required conditions are negative and fewer in number. A title is not required, nor is actual possession necessary, as D'Annibale explains, II, n. 152. Therefore, the entire difficulty consists in good faith, which is still required by canon law, and throughout the passage of time, as stated in chapter 20, canon ultimus regarding prescription: "Since all that is not of faith is sin, by synodal judgment we define that no prescription, whether canonical or civil, is valid without good faith." Therefore, it is necessary that he who prescribes, at no time, be ignorant of the other's rights, or, as Reiff explains, h. t., n. 105; Lugo, De inst. et iur., 7, 49, that he be persuaded that, by acting in this way, he is not doing harm to the other. That the Augustinians used this good faith during the passage of time is evident from the very presumptions already explained, from which they obtained the persuasion or credit that the debt had never existed or had been settled. As for the time, although the parties may dispute the precise time when the action to demand the credit should have begun, it can nevertheless be rightly affirmed that this action was initiated on November 6, 1858. Indeed, on November 6, 1857, there was an agreement "from November 14th of the current year to pay the interest corresponding to 6% of the aforementioned sum (22,000 scudi), with the province remaining obligated to return the principal from the first funds it has at its disposal... I, the Reverend Provincial, repeat that because this debt is so sacred, I will take every measure to ensure that it is settled within the year." In these words, there is mention of the settlement of the debt twice: first, in an indefinite manner, and then, secondly, in a determined manner; or, the second statement explains and clarifies the first. When Father Contreras said that he would settle what the Province owed "from the first funds that it has at its disposal," this indicates that the promisor intended to set aside a certain sum of money for that purpose, and this is true, so much so that he immediately began to settle "in consequence of this obligation," namely, "to return the principal from the first funds that it has at its disposal." Furthermore, clarifying his intention, he also specifies the time necessary to achieve the complete settlement of the debt: "I repeat... that... I will take every measure to ensure that it is settled within the year." There is no mention here of the capacity

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for settlement.

[*Latin ed. p. 199*]

The Roman Rota. Regarding the matter of the Province of S., the right to demand payment rests with the party of Mucius, but concerning the manner of payment, "with the first funds," and the time, "within one year," a meeting was held on November 6, 1857. Following this, on November 6, 1858, Mucius had the right to initiate legal action to obtain the completion of the payment. This right was protected, even if a discussion had taken place regarding the capacity for payment; for it does not matter whether this capacity exists in fact, as the advocate Garrasquedo maintains, since it would never be verified if it depended on the debtor; but, considering the custom, it must be determined by the judge for this purpose. On this matter, Pirhing states: "Although the debt may be contracted indefinitely, nevertheless, there always remains 'the obligation to pay' (and therefore also the right to demand payment on the part of the creditor), 'at least after that time which is commonly observed by custom and usage in payments'" (Synop. Pirhing. II, title 36, no. 51). Therefore, Pothier, in *Le Pandette di Giustiniano*, when explaining law 29, ff. de condit, states: "On the other hand, these words, 'as soon as I can,' I believe 'refer to the time that the judge, at the request of the one who has an interest, will determine for the fulfillment of the condition.'" The same is taught by Roman law, 1. 112 De verb. obi., Digest; the French Code, 1146; the Italian Code, 1173; the Austrian Code, 901; and is commented upon by D'Annibale, II, no. 319, note 27. The determination must be sought from the one whose interest is involved within the applicable time, lest his action be barred by the statute of limitations. Furthermore, it is abundantly clear from the records that the Province of S. had, in fact, made payments, since it received revenues of considerable importance derived from rural properties, which were paid to it from September 25, 1856, under the title of *canon emphyteuticus*, whereas previously they had been paid under the title of *locatio*; for the law suppressing religious orders was promulgated later. Therefore, since Mucius could legally initiate action one year from the date of the initial meeting, it is rightly invoked that the principle "against one who does not act, the statute of limitations runs" does not apply. The good faith of the Augustinian Fathers, or of those administering their goods, is demonstrated by the judgment of the first instance, which nevertheless denied that a case for the statute of limitations existed, because the judge, in collegial form, or as a moral person, considers the collegial body itself, or the moral person, to be subject to good faith; therefore, bad faith on the part of the administrator of the prelates' goods, or at least of the majority of those constituting the collegial body, harms the initiation of the statute of limitations, to which the subsequent good faith of those who replace them does not help; because the moral person or collegial body is always understood to be the same, and

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the prelate, representing the collegial body, has the same legal personality as the collegial body. The same law applies to universal heirs, but not to partial heirs.

[*Latin ed. p. 200*]

200 Acta Apostolicae Sedis. - Official Commentary. concerning; from canon 46, law VI, "he who succeeds to the rights of another, uses them with the same right with which he was bound to use them." Compare Suarez, de legib., V, 3, 4, and D'Annib., II, no. 140, in note 8. But this most correct concept does not harm the application of prescription in this case; for even if we admit (which we have shown should be excluded) that Mucius paid 22,000 scudi; nevertheless, the prelates who later administered the PP. Augustinians were legitimately able to argue, citing as was done before the judge of Mechoacan, that the debt had truly been extinguished by the payment, because otherwise the actions of Lord Valdovinos could not be explained, and they recalled: 1) the words used by Mucius in his will; 2) the fact that no exception was made when Mucius was compelled to pay the sum of 7,000 scudi previously due to him. These presumptions, indeed, appeared to be of the greatest importance to the Lords, if they are referred to the circumstances and times in which the Religious were carrying out all things under the pressure of tyrannical laws, and therefore they were often forced to conceal or invent things; so that no one can say that these presumptions are sufficient to form a good conscience, or good faith. Furthermore, all the other presumptions previously explained are added, which were known to the convent when the cause was instituted, but which were not known to the prelates of the college at the time when the debt was to be paid, and the matter reaches the height of evidence. Because the appealed sentence admits that the prelates of the college are to be considered as particular successors for the purpose of good faith, the Lords considered it necessary to depart from this opinion, which they do not approve. As for the time of prescription, the Lords said that prescription begins from the time when the wills of Mucius and other related documents could be known, so that it can be said that good faith began then, and from this point prescription begins: for a period of time longer than thirty years has elapsed. The day on which the payment of the debt was to be made had passed, and had arrived, because the payment had been promised in the year 1857. Having considered all these things, invoking the name of Christ, We, the Auditors sitting for the tribunal, and with only God before our eyes, declare, pronounce, and definitively sentence, answering the proposed question: Affirmative, that is, the total sentence of June 1, 1911, is to be confirmed. We condemn the plaintiffs to pay the costs of the trial. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunal to whom it

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pertains to carry out this our definitive sentence.

[*Latin ed. p. 201*]

The Most Holy Roman Rota. Having considered the matter, and proceeding against those who resist, they shall adhere to the norms of Holy Canon Law, and especially chapter 3, session 25, of the Council of Trent, employing executive and coercive means as shall be more effective and appropriate according to the circumstances. In the seat of the Tribunal of the Most Holy Roman Rota, on the 7th of January, 1913. Michael Lega, President; Joseph Alberti; Peter Rossetti. Reverend Father Tani, Notary.

II. TRINCOMALEE. NULLITY OF MARRIAGE (ARUNASALAM-MARIMUTTU). Under the blessed reign of Pope Pius X, in the tenth year of his Pontificate, the Most Reverend Fathers, Aloisius Sincero, President, Joseph Mori, and Frederick Cattani, Auditors *de turno* in the case of Trincomalee, – concerning the nullity of marriage, between Joseph Arunasalam, commonly known as Visuvalingam, the plaintiff, represented by his legitimate procurator, Albert Colomb, advocate, appointed by office, and Annapillai Marimuttu, the defendant, who appeared and contested the case as defender *ex officio*, rendered the following final judgment on the 1st of February, 1913.

Joseph Arunasalam, commonly known as Visuvalingam, born in the city of Point Pedro, of the Wesleyan Protestant sect, married, as he himself testified, Annapillai Marimuttu, of the same sect, without any Protestant rite, and from this union he had offspring. In the following year, Marimuttu, the sister of the aforementioned Annapillai, was married to him, and from this union he also had offspring. However, after Visuvalingam embraced the Catholic faith, Marimuttu persecuted him so intensely that, as they say, she sought a civil divorce; which obtained, she dismissed him. Then Visuvalingam appealed to the Tribunal of Trincomalee, requesting that his marriage to Annapillai be declared null, based on the impediment of consanguinity in the fourth degree of collateral line, and he obtained a judgment favorable to him. The defender *ex officio*, appealing, the cause was judged in a second instance by the Tribunal of Columbo, which reformed the previous judgment.

[*Latin ed. p. 202*]

•202 Acta Apostolicae Sedis. - Commentarium Officiale. Igitur, Visuvalingam vocatus est ad Sanctam Sedem, et nunc causa ad nos advena est iudicanda sub dubii formula: Num constet de matrimonii nullitate in casu. Ius quod spectat. Matrimonii validitas quidem ab actore impugnata est ex capite impedimenti cognationis; verum cum ex actis non obscura indicia essent matrimonium verius esse nullum ex defectu consensus, instante advocato ex officio, et annuente Vinculi defensore apud hunc sacrum Ordinem, Ponens providit ut etiam super hoc defectu processus aperiretur, quatenus

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actor consentirei. Renuit ipse: causa igitur iudicanda venit tantum supra assertum consanguinitatis impedimentum. Quod consanguinitas in quarto gradu aequali matrimonium dirimat, nullum in iure dubium: tota difficultas est in ea probanda. Probationem vero impedimenti cognationis quod attinet, haec instructio S. Officii, feria IV, die 20 iunii 1883 lata, statuit: « Si matrimonium impugnetur ob assertum impedimentum cognitionis carnalis... facile erit eiusdem exsistentiam detegere ope authenticorum documentorum. Etenim cognatio carnalis, et etiam affinitas... « dignoscuntur ex arbore genealogica utriusque familiae, conficienda ex « regestis matrimoniorum, et ex libris etiam baptizatorum, in quibus « notata « esse debent nomina non modo coniugum, et eorum qui baptizati sunt, « sed horum etiam parentum. « Quod si aliquid oriatur dubium circa documenta praedicta vel « circa eorum veritatem, in iudicium vocandi erunt et iuridice exami« minandi consanguinei, affines, propinqui, quibus origo eorum, de quibus « agitur, nota sit, aut nota esse possit, ut ex eorum depositionibus gra« dus consanguinitatis vel affinitatis clarius valeat determinari. Non levi « fundamento huic rei esse potest etiam publica fama, de qua ratio erit « habenda; eius tamen sedulo consideranda erit origo et rationes, quibus « innititur». Testes vero recipiendos quod spectat, haec in 1. IV, Decr. tit. XIX, cap. 3, praescribuntur: « Quod parentes, fratres et cognati utriusque « sexus in testificatione suorum ad matrimonium coniungendum vel « dirimendum admittantur, tamantiqua consuetudine quam legibus appro« batur. Ideo enim maxime parentes, et, si defuerint parentes, proxi« miores admittuntur, quoniam unusquisque suam genealogiam cum « testibus et chartis, tum etiam ex recitatione maiorum scire laborat; « qui enim melius recipi debent, quam illi qui melius sciunt...?».

[*Latin ed. p. 203*]

The Roman Rota. 208 Concerning the manner in which the parties themselves are to be examined, the following is established in chapter VII, section 1, title XIV: "When a marriage obtains a great deal of favor, the witnesses, 'who are produced to establish the degree of consanguinity for the purpose of obtaining a divorce,' must begin with the closest relatives, that is, with those of the same stock, or with siblings, and thus proceed in order, designating the persons by their proper names, or by equivalent indications, especially when they frequently testify based on hearsay; which, because it is less valid, should not be excessively relied upon in this type of case: for if they were to begin the calculation from the second degree, they should begin the same way with the subsequent degrees." Regarding the force of proof and the value of evidence, it is taught in common law, in Cosci, *De separatione thori*, book 1, chapter 18, paragraph 274 and following: "Dubious and uncertain evidence is not sufficient, nor are conjectures and presumptions, but unequivocal evidence is required, evidence that is conclusive and perfect in its own kind." And in general, Reiffenstuel

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states in Book IV of Decrees, Title XIX, paragraphs 17-18: "In order for the ecclesiastical judge to dissolve the bond of marriage, he must have proof, through complete and perfect evidence, that the impediment is removed, such as that which is provided by two witnesses who are older than all exceptions... Common and certain, argument 1, *De consang. et affinit.*, and chapter 22, *De testibus cum concordant*. The reason is: because the cause for dissolving marriage, as far as the bond is concerned, is one of the most serious, and involves a great prejudice to a third party, as well as to the sacrament itself; consequently, complete proof is required, as we have said in Book II, Title XIX, *De prob.*. If the proof is given by witnesses, it must be given by at least two witnesses who are older than all exceptions, as cited above, argument 1, *De consang. et affin.*, and there, by witnesses who are older than all exceptions. The reason is: because one witness, however capable, does not provide complete proof, as cited above, argument 1, *Licet universis, De testib.*, who must also be sworn, as stated in canon Illud. 6 and canon 8, cause 35, question 6, because an unsworn witness proves nothing, according to common usage." In particular, concerning the impediment of consanguinity, it is taught there, in paragraph 16: "The judge must not and cannot dissolve a marriage contracted before the Church, as far as the bond is concerned, solely on the basis that one or both spouses themselves, and even with the rumor of the neighborhood, admit that they contracted marriage with an impediment... of consanguinity, unless sufficient evidence is added... Common and certain, expressly stated in chapter 5, *De eo qui cognovit*, where the reason is added to those words: 'Because sometimes some people wish to collude with each other against marriage... But the rumor of the neighborhood is not so valid that, unless reasonable and trustworthy evidence is added, a marriage contract can be properly declared invalid.'"

[*Latin ed. p. 204*]

204 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning the matter at hand. Firstly, it must be noted that, as the Judge of the first instance asserts, in those regions, authentic, public documents, which are called civil registers, were lacking at that time, to definitively prove the consanguinity. Therefore, it was necessary to resort to subsidiary proofs, especially through witnesses. The plaintiff, both in the petition and in court, affirmed that he was a consanguineous in the fourth degree of consanguinity with his wife, Annapillai, and stated that he could provide evidence of this, both through the genealogy of his family and through certain excerpts from the public records of the city of Point Pedro. However, as can be understood from the records, the defendant was not required to take an oath regarding the truthfulness of what he was saying (Instruct. S. Congr. Conc. 22 August 1840, vv. Praefinita die... Cum itaque advenerit), and initially he stated that he had not been able to find these excerpts, but later he stated

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that they did not exist. The wife, Annapillai, did not appear in court, but she vehemently asserted that she had no consanguinity with Visuvalingam, and when the judge mentioned the names of the common lineage, namely Kanapathy and Parvadi, both she and her sister, Ponner, laughed, saying: "This is a lie, this is a lie." Among the legal proofs, however, letters sent to the judge by Sadhasivakurukkal, a pagan priest, Poopalapillai, and Murugupillai, Periayathamby, Vellupillai, Sapabathipillai, and Vettivelu, cannot be admitted. For in law, it is stipulated "that in such cases (regarding the accusation of marriage), unless as far as the 'presumption' is concerned, the written record (whether of the accusation or of the 'testimony') has no weight whatsoever in the pronouncement of judgment; unless other legitimate evidence is presented." L. IV, decret. Tit. XVIII c. A nobis, 2. Furthermore, as Pirhing notes (h. t. n. 11), it is the same with witnesses, c. Testes, 15, caus. 3, q. 9, that one must not believe in testimonies, but in witnesses, c. Qua nos 8 de Gohab. Gleric. et mulier. Gl. here V accusatione. Therefore, to avoid false testimony from witnesses, it has been established that in a marriage case, the accusation must be made in person, and witnesses must testify, and not through letters in absentia, Ab hic n. 3 and Vivian, in Ration. The same is established in the aforementioned Instruct. of the Sacred Congregation, in the Instruct. of the Office (cit. anni 1883), in the Austrian Instruct. § 159, 162, etc. The witnesses, who have legitimately testified, can be divided into several classes: some affirm that they know nothing about the alleged consanguinity, others have testified only about the public reputation, others have indicated an incomplete genealogical tree, others have constructed a complete genealogical tree.

[*Latin ed. p. 205*]

The Roman Rota. Finally, others openly denied that any blood relationship existed between Visuvalingam and Annapillai. Chellapillai Achiehimuttu, sister of Marimuttu, when asked, "Do you know of any relationship between Marimuttu and Visuvalingam?", replied: "I do not know." Erambu Vinasithampy, when asked, "Is there at least some distant relationship between them?", replied that he did not know, and when asked again whether there was any relationship between Visuvalingam and Annapillai, he replied: "I have indeed heard that it is so, but I do not see any close relationship." Ponnampalai Chellappa affirmed that, according to public opinion, a relationship existed, because he had heard everyone say so, but he stated that he did not know the common ancestor, indeed, he was ignorant of all those ascending to Arunasalam; and therefore, he gave no reason to explain the origin of this public opinion. Muttu Siny Anander testified that a relationship existed between the mother of Marimuttu and the father of Visuvalingam, but when asked again what this relationship was, she replied that she did not know what it was, and stated that she only knew the father and grandfather of the woman

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through her wife's ancestors, and only the father of the man through his ancestors. Velupillai Chellaiya, when asked what relationship existed between Marimuttu and Arunasalam, replied that, on the mother's side of Marimuttu, he was related; but he stated that he did not know who the father and mother of Arunasalam were. Therefore, from these testimonies, a relationship cannot be deduced, either entirely or at least with certainty. On the contrary, Samuel Velupillai, when asked whether he knew of any relationship existing between Visuvalingam and Annapillai, replied: "I believe that there is no relationship between them. Whether there is or is not some distant blood relationship, I do not know." And Christiana Saverimuttu, when asked whether she had heard that Visuvalingam and Annapillai were related, strongly denied it: "No. There is no relationship between them." Only two of the witnesses constructed a complete and generally perfect genealogical tree, in which the parties concerned can ascend to their great-grandparents, and thus judge whether the asserted relationship exists in the fourth degree of consanguinity: these witnesses are Andiapper Kanniat, president of a pagan temple in the district of Karkovalam, and the Reverend Father G. Rouvellac, a missionary in the city of Point Pedro. However, as we shall see, these genealogical trees do not agree with each other in all respects. Furthermore, as the records show, Andiapper Kanniat deserves very little credibility. Moreover, in court, he appeared to be too frivolous and easily distracted to pronounce and recite, as it were, a memorized statement in a matter that was quite complex, and, according to the customs of that region, as the records of the proceedings demonstrate, difficult; he stated that he had consulted family archives, as he said.

[*Latin ed. p. 206*]

206 Acta Apostolicae Sedis. - Commentarium Officiale. sed haec regesta non erant nisi tituli possessionum et divisionum praediorum, promisit se allaturum in iudicium haec regesta, sed frustra. Pater Rouvellac certe omni fide est dignus; at non apparet ex actis num testes ex quibus hausitarborem genealogicam propinqui et affines fuissent alicuius ex sponsis, et, quod maximum est, non apparet an isti, iuramento praestito, Patrem Rouvellac de consanguinitate edocuerint. Ultimo igitur recidimus in testes non iuratos, qui nil probant, ut iuris utriusque textus ingeminant, cap. nuper, 51, cap. fraternitatis, 17, cap. de testibus, 29, cap. tuis, 39, de testibus et attestationibus, Instruct, cit. S. C. Concilii, etc. Dein vero P. Rouvellac dum affirmat: « Au reste je pense « que Marimuttu est parent ou allié de Visuvalingam », nimis vaga et indeterminata profert, ex quibus consanguinitas cum certitudine deduci nequit. Ultimo tandem ipse fassus est in iudicio : « Cependant je n'en « suis pas sûr ». Quo patet ne ipsum quidem P. Rouvellac pro certo habuisse inter eos exsistere assertam consanguinitatem. Ex omnibus igitur actis et allatis in causa, sequitur validitatem matrimonii in

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casu constare, vel certo certius eius invaliditatem non certo constare, seu esse dubiam. Qua etiam posteriori ratione, standum est pro valore matrimonii. Hoc enim firmum et sacrum est in iure canonico. Nam si generaliter « quoties non satis apparet, utrum in aliquo actu obeundo defuerit « aliquid ex his, quae ad actus substantiam pertinent, utriusque iuris « et a Nostris receptissima regula est, in dubio omne factum praesumitur « recte factum - ideoque - in dubio respondendum est pro valore actus », D'Annibale Theol. Mor. I, 150; a fortiori quoad sacramentum matrimonii sacrum et sanctum est in iure canonico et in nostro foro « matrimonium « semel celebratum, dummodo matrimonii species non desit, gaudere favore « iuris, ut traditur expresse in cap. ult. de Conditionibus aliisque « testibus. Hic favor iuris in eo consistit, ut matrimonium semel cele« bratum semper validum habendum sit, donec eius invaliditas plene « probetur ... Unde de matrimonio semel celebrato principium: in dubio « standum est pro valore matrimonii; quod valet in utroque foro, et a « fortiori si agatur de matrimonio fidelium, utpote sacramento » Gasparri, de matrimonio, II, 18. Quibus omnibustum quod ius, tum quod factum spectat, perspectis ac mature perpensis; Christi nomine invocato, solumque Deum prae oculis habentes, Nos infrascripti Auditores, pro tribunali sedentes, ad propositum dubium dicimus, pronunciamus, etque definitive sententiam u s : Negative, seu Non constare de nullitate matrimonii in casu.

206. Acts of the Apostolic See. - Official Commentary. But these records were nothing more than titles of property and divisions of estates; he promised to submit these records to the judgment, but in vain. Father Rouvellac is certainly worthy of all trust; but it does not appear from the records whether the witnesses from whom he obtained the genealogical information were relatives or close associates of either of the spouses, and, what is most important, it does not appear whether these individuals, under oath, testified to Father Rouvellac regarding the consanguinity. Finally, we are left with the non-sworn witnesses, who prove nothing, as the texts of both legal systems repeatedly state, chapter recently, 51, chapter on fraternity, 17, chapter on witnesses, 29, chapter on those who are related, 39, on witnesses and testimonies, Instruction, cited, Sacred Congregation, etc. Then, Father Rouvellac, when he states: "Furthermore, I think that Marimuttu is a relative or ally of Visuvalingam," presents statements that are too vague and indeterminate from which consanguinity cannot be deduced with certainty. Finally, he himself confessed in court: "However, I am not sure." This shows that even Father Rouvellac did not consider the asserted consanguinity to exist with certainty among them. Therefore, from all the records and documents presented in the case, it follows that the validity of the marriage in this case either does exist with certainty, or that its invalidity does not exist with certainty, or that it is doubtful. Even considering the latter possibility, we must uphold the validity of the marriage. This is firm and sacred in Canon Law. For, generally, "whenever

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it is not sufficiently clear whether in any action undertaken, something that pertains to the substance of the act is lacking, the rule most accepted by both legal systems and by Ours is that, in doubt, every act is presumed to have been performed correctly - and therefore - in doubt, one must respond in favor of the validity of the act," D'Annibale, Theol. Mor. I, 150; a fortiori, with regard to the sacrament of marriage, which is sacred and holy in Canon Law and in our forum, "a marriage once celebrated, provided that the essence of marriage is not lacking, enjoys the favor of the law, as expressly stated in the last chapter on conditions and other witnesses. This favor of the law consists in the fact that a marriage once celebrated must always be considered valid, until its invalidity is fully proven... Therefore, the principle regarding a marriage once celebrated is: in doubt, one must uphold the validity of the marriage; which is valid in both forums, and a fortiori when it concerns the marriage of the faithful, because it is a sacrament," Gasparri, on marriage, II, 18. Having considered all that pertains to both law and fact, having carefully pondered, invoking the name of Christ, and with God alone before our eyes, We, the undersigned Auditors, sitting for the tribunal, regarding the proposed doubt, declare, pronounce, and definitively sentence: Negative, that is, it does not appear that the marriage in this case is null.

[*Latin ed. p. 207*]

Most Holy Roman Rota. 207 Thus We pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to which this pertains, that they execute this Our sentence and proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, concerning reform, of the Council of Trent, employing the executive and coercive means that shall prove more efficacious and suitable for the circumstances. Aloysius Sincero, Prelate. Joseph Mori, Prelate. Frederick Cattani, Prelate. Sac. Tani, Notary. DIARY OF THE SECRETARY OF THE ROMAN CURIA. APPOINTMENTS. By Apostolic Brief, the Holy Father has deigned to appoint: Domestic Prelates of His Holiness, April 4, 1913. — Mons. Benedetto Alves de Souza, pro-vicar general of the archdiocese of São Paulo in Brazil. April 5. — Mons. Massimiliano Brenner, rector of the German college of S. Maria dell'Anima in Rome. April 8. — Mons. Francesco di Paola Gasoni, secret chaplain of His Holiness. April 9. — Mons. Enrico Ludwigs, of the archdiocese of Colonia. — Mons. Giuseppe Feiten, of the same archdiocese. HONORS. By Apostolic Brief, the Holy Father has deigned to confer the following honors: The Order of the Golden Militia, called of the Golden Spear: April 9, 1913. — To the Most Noble Prince Don Mario Chigi-Albani, marshal of the Holy Roman Church and custodian of the conclave, president of the Supreme Council of the Con-

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stantinian Festivals.

[*Latin ed. p. 208*]

Acta Apostolicae Sedis. – Official Commentary. The Grand Cross of the Order of St. Sylvester: April 22, 1913. – To Mr. Giovanni Hasche, of the Archdiocese of Posen. The Order of St. Gregory the Great, civil class: April 9, 1913. – To Mr. Alberto Heimann, of the same Archdiocese. – To Mr. Massimiliano Wirtz, of the same Archdiocese. The Order of St. Gregory the Great, military class: April 2, 1913. – To Mr. Giuseppe Lattanzi, first lieutenant of the dissolved Papal Dragoons regiment. The Order of St. Sylvester: April 13, 1913. – To Mr. Giovanni Werth, of the Archdiocese of Cambrai. April 16. – To Mr. Augusto Müller, of the Diocese of Fulda. The Order of Pius: March 28, 1913. – To Mr. Gualtiero Milde, of the Diocese of Breslau. The Order of St. Gregory the Great, civil class: April 9, 1913. – To Mr. Dr. Martino Winands, of the Archdiocese of Colonia. – To Mr. Leone Giani, of the same Archdiocese. April 11. – To Mr. Advocate Enrico Rondinella, of the Archdiocese of Naples. April 13. – To Mr. Géry Pourbaix, of the Archdiocese of Cambrai. – To Mr. Luigi Derville, of the same Archdiocese. April 17. – To Mr. Dr. Carlo Enrico Schäfer, of the Diocese of Fulda. April 23. – To the Gentlemen: Giovanni van Menten, Augusto Thomas, and Camillo Cauchie, Belgian Catholic journalists. NECROLOGY. April 16, 1913. – Monsignor Riccardo Casanova, Archbishop of Guatemala. April 20. – Monsignor Pietro Facciotti, titular Archbishop of Calcide. April 26. – Monsignor Giuseppe Alfredo Archambeault, Bishop of Joliette (Canada).

[*Latin ed. p. 209*]

Year V. - Volume V. May 16, 1913. No. 8. OFFICIAL COMMENTARY OF THE ACTS OF THE APLEGATE COUNCIL OF THE HOLY SEE. ACTS OF POPE PIUS X. LETTER TO THE MOST REVEREND FRANCIS VIRGIL, CARDINAL DUBILLARD, ARCHBISHOP OF GAMBRIELS. - THE CLERICAL PACT "FOR THE POPE AND THE CHURCH," OF WHICH HE IS THE FOUNDER AND MODERATOR, IS PRAISED.

Beloved Son, greetings and apostolic blessing.

It cannot be sufficiently praised that "clerical pact for the Pope and the Church" which you have united, and which you use as its chief moderator, if indeed the excellent utility and, indeed, the opportune nature of it are considered. For those who, incited by the devil, today urge the old proposal of hindering eternal salvation, which the Divine Redeemer procured for the human race with His precious blood, accomplish almost nothing more than to turn men away from obedience and faith in the Church and the Roman Pontiff; for they understand that he who neglects either the Bride or the Vicar of Christ is not loved by Jesus Christ. And for this reason, the clergy are most exposed to the malice of wicked arts, for if they depart from their office, the departure of the people will easily follow. Therefore,

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it is necessary to strive entirely that those who are in the sacred order are more and more affected towards the Church and the Head of the Church, as befits them above all, that is, that they themselves burn with the most fervent zeal and desire to inflame others.

Indeed, for the sake of this very thing, the clerical pact, of which we are speaking, has been instituted: its members do not hold others to duties other than those common to other priests, but nevertheless they show a certain special diligence in fulfilling them. And it is pleasing to Us that they have, above all, the purpose of observing and following the precepts and instructions, and whatever has been given by the Roman Pontiff.

[*Latin ed. p. 210*]

Acts of the Apostolic See, - Official Commentary. 210. To impress upon minds and diligently instill in others; also, that they promise to assist, with all their power, those Catholic publications which are commonly published daily or on certain days, in all matters that openly defend the cause of Religion, under the guidance of the Apostolic See. But considering the present need in which the Vicar of Christ finds himself, and that they do not have enough to set aside each year to alleviate it, they pledge themselves, and rightly deserve both praise from Us and a reward from God. Therefore, to express my gratitude to these beloved sons, and also that their efforts may be more fruitful, I have recently granted them more from the spiritual treasury of the Church, of which I am the steward, as you know. Now, you know that the plan for governing the entire agreement has been composed in such a way, as you have indicated, that it has been approved by Us and considered valid by Us. Finally, praying that God may favor this undertaking so well conceived, as a pledge of heavenly blessings and of Our supreme benevolence, We impart to you, beloved Son, and to all those who are, or will be, part of this priestly agreement, Our apostolic blessing. Given in Rome, near St. Peter, on the twenty-eighth day of the month of April, in the tenth year of Our pontificate. PIUS PP. X. SUPREME SACRED CONGREGATION OF THE HOLY OFFICE (SECTION D, ON INDULGENCES) I. DECREE. CHRISTIAN GREETINGS ARE ENRICHED WITH AN INDULGENCE. From an audience, in the invocation of the Most Holy Name of Jesus, on the twenty-seventh day of March, 1913. Although the ancient and most pious custom, prevalent among Christians in many places, of greeting each other in the invocation of the Most Holy Name of Jesus, namely, when one says: ”May Jesus Christ be praised,” and the other responds: ”Amen,” or ”Forever,” or similarly, has long enjoyed the favor of the Apostolic See, and has been enriched with an indulgence of fifty days by the Supreme Pontiffs; so that this fruitful practice may be maintained

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with greater zeal wherever it flourishes, and wherever...

[*Latin ed. p. 211*]

The Most Holy Congregation of the Holy Office. However, it has become obsolete and must be restored, and then widely disseminated; His Holiness, Pope Pius, of blessed memory, Pope Pius X, at the request of [certain individuals], and on the occasion of the sixteenth anniversary of the peace granted to the Church, graciously granted, with a benevolent nod, a hundred days' indulgence, applicable also to the deceased, which all the faithful may obtain each time they greet each other, as mentioned above. This indulgence is valid forever, without any brief [papal bull] being required, notwithstanding any contrary provisions. M. CARD. RAMPOLLA. L. & S. f D. Archbishop of Seleucia, Secretary of the Holy Office.

DECREE. INDULGENCES ARE INCREASED AND EXTENDED FOR THE GLORY OF THE MOST HOLY SACRAMENT. April 10, 1913. His Holiness, Pope Pius, of blessed memory, Pope Pius X, through the special faculties granted to the undersigned Cardinal Secretary of the Holy Office, has graciously granted that the faithful who offer praises and actions of thanksgiving to Our Lord Jesus Christ in the Most Holy Sacrament of the Eucharist, may enjoy a greater spiritual benefit by reciting the following prayer: "Let the most holy Sacrament be praised and adored forever," or the prayer expressed in the following words found in the authentic collection of Indulgences: "Let the most holy and divine Sacrament be praised and thanked at every moment," than they could by reciting the other prayer; namely, a three hundred days' indulgence, applicable also to the souls of the deceased, each time they recite either of these prayers with at least contrite heart; and a plenary indulgence, also applicable to the deceased, if they are accustomed to reciting the same prayer daily throughout the entire month, provided that they also confess their sins and pray according to the intention of the Supreme Pontiff. This is valid forever, without any brief [papal bull] being required, notwithstanding any contrary provisions. M. CARD. RAMPOLLA. L. & S. f D. Archbishop of Seleucia, Secretary of the Holy Office.

[*Latin ed. p. 215*]

Sacred Congregation of the Propagation of the Faith. 215 SACRED CONGREGATION OF THE PROPAGATION OF THE FAITH. I. DECREE. THE BOUNDARIES BETWEEN THE APOSTOLIC VICARIATES OF BAGAMOJO AND DAR ES SALAAM ARE MADE TO COINCIDE WITH CIVIL BOUNDARIES. That the fruits of the apostolic harvest may be more abundantly brought forth in eastern Africa, with territories suitably distributed and clearly defined, extending to the shores of Vico Equense, the most eminent Fathers of this Congregation for the Propagation of the Faith, having convened a plenary assembly on the tenth day of March

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last, deliberated concerning the alteration of the boundaries between the apostolic vicariates of Bagamojo and Dar es Salaam, so that they might coincide with civil boundaries, and decided that a boundary line should be established between the two ecclesiastical territories, which would separate the civil districts of Bagamojo and Morogoro from the districts of Dar es Salaam and Rufiji; then the Ruaha River; next the Umerohe River; and finally, the railway line which ascends from the Indian Ocean to the city of Tabora. This decision was approved and ratified by the undersigned Prefect of the same Sacred Congregation, by virtue of the special power granted to him by His Holiness, Pope Pius X, by divine providence, and the present decree was ordered to be drawn up for this purpose. Given at Rome, from the offices of the Sacred Congregation of the Propagation of the Faith, on the 7th day of May in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. L. S. C. Lawrence, Secretary. II. APPOINTMENT OF AN APOSTOLIC PROPREFECT. By decree of the Sacred Congregation of the Propagation of the Faith, the following was appointed: On May 6, 1913. — Rev. Father Gaudentius Barlassina, of the Taurinense Institute of the Virgin Consolata for foreign missions, as Apostolic Prefect of Southern Kaffa.

[*Latin ed. p. 216*]

Acts of the Apostolic See. - Official Commentary. 216 III. CESSATION FROM OFFICE. His Holiness Pope Pius X, through a letter dated March 31, 1913, graciously accepted the resignation of the Reverend Father Henry Doulcet, of the Congregation of the Passion and the Holy Cross of Our Lord Jesus Christ, from the office of Bishop of Nicopolis in Bulgaria; and therefore, the Reverend Father Leonard Baumbach, of the same Congregation, who rightfully held the position of coadjutor, succeeded him in that office. DECREE. Tuesday, May 5, 1913. The Sacred Congregation of Most Eminent and Reverend Cardinals of the Holy Roman Church, entrusted by our most holy Pope Pius X and the Holy Apostolic See with the task of examining books of false doctrine, and of their condemnation, prohibition, expurgation, and permission throughout the Christian republic, having met in the Apostolic Palace at the Vatican on May 5, 1913, condemned and condemns, prohibits and forbids, and orders that the following works be placed on the Index of Prohibited Books: ANNALES Secrétaire de HENRI Paris, CE DE PHILOSOPHIE Rédaction BRÉMOND, L. Làberthonnière, Sainte (founded by A. Bonnetty), Paris, 1905-1913. CHRÉTIENNE Chantal (1572-1641). Collection "Les Saints," 1912. QU'ON A FAIT DE L'ÉGLISE. Petition to His Holiness Pope Pius X, A Study of Religious History, with a Paris. Therefore, no one of any rank or condition whatsoever shall dare to publish, or to read or retain, the aforementioned works, in any place or language, under the penalties indicated in the Index of Prohibited Books. These matters having been

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reported to our most holy Pope Pius X by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on May 8, 1913. FR. CARD. DELLA VOLPE, Prefect. L.&S. Thomas Esser, O. P., Secretary.

[*Latin ed. p. 217*]

The Sacred Roman Rota, Melitana. Regarding the matter of Option.

During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on the 30th day of January, in the year 1913, the Most Reverend and Most Excellent Lords, Aloysius Sincero, Ponens, Joseph Mori, and Frederick Cattani, Auditors, in the case of Melitana-Option, between the Reverend Michael Ciappara, the plaintiff, represented by the lawful procurator, Advocate Vincent Sacconi, and the Reverend Alphrid Mifsud, the defendant, represented by the lawful procurator, Advocate Angel D'Alessandri, delivered the following final judgment.

In the year 1909, on the very 3rd of February, the benefice of St. Venera was vacant in the cathedral church of Melitana. Four canons, namely Green, Formosa, Mifsud, and Ciappara, requested that they be admitted to contend for that benefice, according to the law in force in that church, by which all capitulars, both those holding dignities and those holding canonries within the same church, may aspire to more lucrative benefices, except for those capitulars who have not made any improvements in their respective dignities and canonries, either with regard to their revenues, or with regard to the fabric, for their utility and advantage. The cathedral chapter awarded the aforementioned benefice to Canon Green. Canon Ciappara opposed this, alleging that the expenses incurred by Green for the benefit of his benefice did not constitute improvements, since, as he contended, they were intended to prevent the deterioration of the property. He therefore appealed to the Sacred Congregation of the Council, which ordered that the matter be treated according to legal procedure and resolved in the court of Melitana itself. The court of Melitana, having delivered its judgment on the 20th of April, 1910, confirmed the right of option for Canon Green. Against this judgment, Canon Ciappara appealed to the Holy See, but scarcely had the appeal been lodged when Canon Green passed away. Canon Ciappara then requested the Sacred Congregation of the Council to grant him the benefice of St. Venera. However, the Sacred Congregation ordered that the option be renewed. When Canon Formosa expressly...

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis. - Official Commentary. Having desired it, and after the two remaining candidates had expressed their preference, Mifsud was chosen by the Chapter over Giappara. Against this election, Canon Ciappara again appealed to the Holy See. However, after being presented to the Sacred Roman Rota by a pontifical commission, and after

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being debated under the following question: Whether the prebend, now called "S. Venera," ought to be conferred upon Canon Ciappara or rather upon Canon Mifsud, in this judicial case, the judgment given on August 12, 1911, was: Negative to the first part, affirmative to the second. From this judgment, Canon Ciappara again appealed, and the case now to be decided was under the question: Whether the judgment of August 12, 1911, should be confirmed or overturned in this case. The judgment on appeal stated that the prebend now called "S. Venera" should be conferred upon Canon Mifsud, and not upon Canon Ciappara, for two reasons. Firstly, because Canon Ciappara is to be excluded from the right of preference, since he cannot be included among the canons of the cathedral church of Melevitana. For the prebend, which he now possesses, is perpetually attached to the office and title of Penitentiary; and he obtained it without concurrence, or contrary to the form prescribed by Benedict XIII for Italy and the adjacent islands, according to the Constitution *Pastoralis Officii*; and therefore, according to this Constitution, the collation was not only entirely null, but was also devolved upon the Holy See; nor could these defects be remedied by the rule regarding three years of possession. Secondly, because Canon Mifsud has satisfied the requirements for the right of preference, not only concerning seniority, which the opposing party acknowledged in Canon Mifsud, and which appears from certain documents, but also concerning improvements. Although Canon Mifsud possesses a prebend that is entirely for the common table, it can nevertheless be indirectly improved, namely by increasing the mass, as the judgment on appeal states, of revenues. And it was almost unanimously approved by the Chapter that Mifsud had, in fact, increased the mass of revenues, declaring, "that the work of Monsignor Dr. Alfredo Mifsud, by which he has increased and improved the so-called building of the church and the common table, of which his prebend is a part, can be classified as... etc." Therefore, according to the judgment of the Chapter, Canon Mifsud has, at least in substance, satisfied the conditions prescribed by Urban VIII regarding improvements. Both arguments are challenged by the appellant's advocate: concerning the first, he contends, with many reasons adduced, that Canon Ciappara is lawfully in peaceful possession for three years, and certainly with a more certain right of peaceful possession for ten years; concerning the second, Canon Mifsud...

[*Latin ed. p. 219*]

St. Montana Bota. 219. The conditions prescribed by Urban VIII could not even be fulfilled; because the canonries of second foundation, one of which is held by Mifsud, cannot be improved according to the form of the Urbanian Constitution. However, the Most Reverend Fathers observed from the beginning that the question of whether Ciappara is canonically instituted or not is not the principal issue in the case, but rather whether

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he is to be excluded from the right of option in this instance, or not. The principal question concerns the right of option. Therefore, if, adhering to the principles of the right of option in this case, it is certainly concluded that the canonry named "St. Venera" should be conferred upon the canon Mifsud before Ciappara, it will be superfluous and useless to inquire further regarding the principal question of whether Ciappara is canonically instituted or not, especially since in this latter question, one of the legitimate opponents, and indeed the principal one, namely the Bishop of Malta, who conferred the canonical benefice upon the priest Ciappara, is absent from the case. Therefore, at present, the entire question is reduced to the right of option, and concerning this right, to the condition prescribed by Urban VIII regarding improvements. Furthermore, the appellant's advocate, against the appealed judgment, first renews the argument already presented in the previous instance, namely that the canonries of new foundation cannot be improved according to the form of the Urbanian Constitution, since they consist of a certain pension, or rather, a certain sum, "in an annual allowance, which is commonly called a pension." For the Pontiff Urban desired that improvements be made in the benefices, but it is not understood how such improvements can be made when the benefice consists of a certain pension, or a certain sum. Indeed, the advocate turns the argument based on the silence of the Pontiff regarding the granting or denial of the right of option, when new canonries are founded. Certainly, the Pontiff, since he was Urban, who had granted the indulgence of option, knew that he had established that law, according to which those who did not improve their benefices would lack the right of option. Therefore, when he established canonries which could not be improved, he derogated from the law granted in the indulgence, to the detriment of the new canons. Since he did not do so, he, in fact, excluded new canons from the right of option, due to the very impossibility of fulfilling the law. In response to the argument of the advocate of the opposing party, who claims that Urban VIII himself, in the year 1633, when establishing new canonries, intended to grant them all the rights with which the old ones possessed, and in the year 1638 confirmed the indulgence of option to all canons, without making any distinction between old and new, Urban VIII responded that he granted the same privileges to the new canons as were enjoyed by the older ones, but in the same manner?

[*Latin ed. p. 220*]

220 Acta Apostolicae Sedis. - Official Commentary. was granted; however, if the option was granted in such a way that canons who had not made better improvements would not be able to exercise the option, then only this can be inferred from the communication of privileges: that new canons could enjoy the option by making better improvements. If this last is impossible for new canons, and therefore the communication of privileges

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with regard to the option proves to be useless, then it is understood that this general communication should be taken to mean that privileges are granted only to the extent that they are possible, namely, excluding those privileges that the nature of the new canonry would exclude; for derogation from the law cannot be presumed. Moreover, since the legislator is presumed to know his own law, it must be considered that Pope Urban was not ignorant of the conditions that he himself had placed on the grant of the option. Therefore, if he had wished to derogate from the necessity of improvements for the benefit of the new canons, he would have expressly stated it; unless he expressly stated it, it is a legitimate inference that he did not intend it. However, all these arguments, which appear to have considerable force when the Urbanian Constitutions are considered separately, must necessarily be refuted if the Constitutions are taken together, and compared and harmonized with each other, as is the duty of a jurist. C. With expediency, 29, on election, in 6; L. un. de insuffle, dot.; L. Non est novum, 25 and following, on laws. Arg. L. Not to those sections on conditions, and demonstrates, joined with the Gloss v. Praesens, to L. Cum hic status, § 1, on donations between men and women, from c. Exiit, § Imprimis, v. We obscure the meaning of the word. Card. Tuschus, Litt. C. Conci. 1036, n. 4 and following, Barbosa Axiomat., 60, n. 5 Reiffenstuel, L. I, Decr. Proem., n. 201-204, Tit. II, n. 492-498, Savigny. Sisl. Dir. Rom., § 33, and following. Indeed, the Constitution of Urban VIII, issued in the year 1624, reads as follows: "... Furthermore, that in all future times, those canons and those who hold benefices of the same church, for the time being, may freely choose to opt for better benefices whenever they become vacant; and that those who hold canonries and benefices may freely and lawfully ascend to higher dignities, and likewise choose them, and we grant and concede by the tenor of the present, with apostolic authority. We decree that those who hold such dignities, canonries, and benefices, who have not made any improvements in those dignities, canonries, and benefices, for their benefit and convenience, with regard to their revenues, or the fabric, or other similar things, shall not be able to enjoy and benefit from our prescriptions, the option, concession, and indulgence..."

[*Latin ed. p. 221*]

The Roman Rota. Furthermore, it is evident that the improvements to be made to the dignities and benefices, both in terms of their revenues and in terms of their structures and other similar matters, do not constitute a legal right to be sought after, as affirmed by the appealed judgment, but rather a condition without which the aforementioned dignities, canonries, and benefices cannot be obtained. Moreover, We add that: for those who hold the aforementioned dignities, canonries, and benefices; for it is expressly stated in the Constitution itself. The subsequent Constitution of the same Urban VIII, issued in the year 1633, in which he, in addition to the dignities

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and the ten canonries and benefices established and instituted in the church of Melevita, ordered the establishment of one theological and four other canonries, and the same number of benefices, states, with regard to our matter, the following: "... and to each... privileges, preeminences, prerogatives, or grants, indulgences, favors, graces, and dispensations of every kind, by which the aforementioned ancient canons are lawfully, customarily, or by privilege or otherwise accustomed to use... they may... use... in the future, similarly and equally, and without any difference whatsoever, in all things and in every respect, as if the aforementioned canonries and benefices had been canonically established from the very foundation and erection of the church and of the aforementioned ancient canonries and benefices... thus established and instituted, for the proper endowment thereof... one thousand scudi annually in the currency of this place, from the revenues of the church or its fabric... shall be paid annually..." Therefore, by comparing these two Constitutions, it is clearly evident: 1. That the benefices, of which the Pontiff speaks in the former Constitution, are constituted of immovable goods; whereas the benefices, of which mention is made in the latter Constitution, consist in a fixed sum. 2. That Urban VIII, both in law (Reiff., cit. Proem., n. 213-216, L. I, Tit. II, n. 491), and in fact, attached the right of option for canons who held a benefice in immovable goods to the condition that they make certain improvements to those same benefices. 3. That he himself understood what everyone understands, namely, that the canons of the second foundation could not fulfill the condition of making improvements, as contained in the former Constitution, namely, to improve benefices consisting of immovable goods. 4. That he was entirely silent in the latter Constitution regarding the condition of making improvements. 5. And, on the contrary, he expressly and clearly extended the dispensation of the right of option to the canons of the second foundation; for this is evidently contained in the general and extensive words in which he uses indiscriminately.

[*Latin ed. p. 222*]

222 Acta Apostolicae Sedis. - Commentarium Officiale. By the subsequent Constitution, see Reiff, cited, Book I; Title I, n. 398. Therefore, he wished that the canons of the second erection should also enjoy the right of option, in the same and equal manner as the older ones, a right granted by the Constitution of the year 1624; for what are words, if not to demonstrate the will of the speaker? see L. 7, De Suppl. leg. Therefore, considering all these things, it must be concluded that Urban VIII either did not at all attach the right of option for the canons of the second erection to the condition of making improvements, or that this condition is to be understood and interpreted according to the subject matter, and according to the purpose intended by the Pontiff. Indeed, it is entirely necessary to hold the latter as being in accordance with a correct interpretation. For, generally speak-

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ing, laws should be harmonized with laws as much as possible, and their correction should not be asserted without necessity. Thus, it is commonly stated, and expressly found in c. Gum expediat, 29, concerning elections, in 6, where it is said: "When it is expedient to harmonize laws with laws, and their corrections, if they can be maintained, they should be avoided." It is also stated in L. un. De insuffle, dot. "Laws are prompt to harmonize with laws, when they are similar." And this is also confirmed in L. Non est novum, 25 and following, concerning laws in general, where it is stated, in order to avoid the correction of laws, that prior laws should be drawn from and explained by subsequent laws, and vice versa, with these words: "It is not new that prior laws are drawn from subsequent laws, etc." But also subsequent laws pertain to prior laws, unless they are contrary. Reiff., cited, Proem., n. 201. Furthermore, words are to be understood and interpreted according to the subject matter, so that the matter in question may rather prosper than perish, see Glossa, in c. Cum nuper, 23, v. Mutuo adversantibus. De offic, delegai, et Doctores communiter; and it is clear from c. Abbatem 5 de Verb. signif. where it is said: "Indeed, those words are to be understood in such a way that the matter in question may rather prosper than perish." This is also confirmed by the text expressed in L. Quoties iu actionibus, concerning things owed, and L. 1, § 1, C. De rei uxor. action, with similar statements. And this is so true that words must be adapted and understood according to the subject matter, in order to avoid absurdity, see c. Solitae §. Verum de Maior, et obed. Furthermore, so that words may not remain superfluous: for words must accomplish something, and must not be superfluous; see c. Si Papa 10. de Privileg, in 6, where it is said: "Since words must accomplish something," and see c. Si a iudice 10, de appellat, in 6, with the concordances cited there by the Glossa, vers. Gum-effectu, Reiff, cited, Book I, Title II, n. 394-396. Therefore, in order that the grant of the right of option given to the canons of the new erection may be valid, and may accomplish something, and in order to avoid absurdity, the Urbanian condition concerning the making of improvements must be understood according to the subject matter.

[*Latin ed. p. 223*]

The Roman Rota, to the extent possible given the circumstances of the canons, has ruled that the improvements made to the goods of the cathedral church of Melevita and the common table of the chapter are sufficient. This is entirely in accordance with the mind of Urban VIII himself. It should not be thought that he was more concerned with granting benefits than with the divine worship in the church, especially since, as expressly stated in his Constitution of the year 1624, his intention was to provide for the divine worship in that church, as well as for the dignity, and also for the indemnity and increase of the canons and benefices. Indeed, as the common teaching of Pirhing states, Book I, Decrees, Title II, number 104, in the inter-

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pretation of laws, it is not so much the words that should be considered, but the mind and will, or intention, of the legislator, which is like the soul of the law, and which has all the power of obligation, as is known, Book 17, title 2, on laws, Book 5, chapter 15, where it is stated: "Since the intention, and not the words, must serve the intention, etc." This mind and will is gathered from the matter of the law, from the circumstances, and especially from the end and cause, or the reason for which the law is enacted, as Layman states, Book I, Treatise 4, chapter 18, number 4. Furthermore, the fact that the canon Mifsud has improved the goods, or increased the revenues, of the church of Melevita and the chapter table has been demonstrated in the appeal judgment, and has been further confirmed by new evidence presented in the second instance. Consequently, the response to the arguments of the appellant's advocate is also clear. It cannot be conceded that the Pope was silent regarding the granting or denial of the option when new canonries were founded. For Urban VIII granted all indulgences, privileges, and rights generally and without distinction to the canons of the new foundation, and he did not exclude the right of option, even though he could have done so. "When speaking generally and without distinction," it is understood generally and without distinction. Or, as other Doctors say, words should be understood generally. This rule is clearly stated in c. "Quia circa," 22 on privileges, with the addition: "Since nothing was excepted, and he could have excepted it." Reiff, cited, Book I, Title II, number 398. Given this, if the argument of the appellant's advocate were to be pressed that the condition of Urban VIII could not be fulfilled in the canons of the second foundation, it would have to be concluded that Urban VIII did not impose this condition on the canons of the second foundation, or that he did not derogate from the previous constitution in this respect. For Urban VIII expressly stated the grant of the option in the subsequent Constitution, but he was silent regarding the condition of improvements. Hence, the rule applies: The legislator expresses what he wants, and he is silent about what he does not want. From c. 12, Be decim., c. 2, § 1, De transí, episc. Also, a new law or constitution of the Prince nullifies a previous one that is directly contrary to it, even if it does not mention it.

[*Latin ed. p. 224*]

^24 Acta Apostolicae Sedis. - Official Commentary. mentioning. Thus, the common opinion of Doctors, and it has been clearly decided in chapter 1, concerning Constitutions, in 6. Reiff, cited, Volume I, Volume II, number 491. One would also have to arrive at the same conclusion if the Urbanian condition, as he himself asserts, were absolutely and entirely incompatible with the nature of newly erected canonries. Nor is the argument derived from the Bull of Urban VIII, dated in the year 1638, which confirmed the privilege of option, preserved in all respects and through all things in the form of those (letters), effective, for, as is evident, the Pontiff speaks of

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the form of the letters, of whose executor he had appointed the Order of Melvite. Furthermore, the argument derived from the observance, by which it happens that, over a period of two centuries, the canons of the second erection have never exercised the right of option, is not persuasive. For affirmative privileges, which are mere graces, yield to the detriment of no one, and are lost by non-use, Pirhing, Volume V, Title 33, number 176, Reiff, ibid., title, number 209; Glossa in c. As for privileges, ibid., title. If the privilege of option were considered to be burdensome to others, which, however, would not be granted, in order for it to be lost through non-use, first, as the common teaching of Reiffenstuel, cited, number 205, indicates, it would be necessary that there was an opportunity to use the privilege, and yet that the privileged person did not use it: for where this is lacking, the privilege is not lost, even if for a thousand years no act of the privilege is exercised, argument from L. Artilicinius, treatises on servitudes, rural properties. In this case, however, it is established that this opportunity was lacking. Indeed, what is most important, the faculty of choosing, which belongs to someone, is not considered to have been granted to him by contrary observance, unless it is shown that the person who wished to choose was prevented and hindered. Rota Rec. Decis. 596, number 12, part 18, volume 2, and argument from Coram Crescentio Decis. 195, number 24, 25, volume 2. Furthermore, the appellant's counsel attacks the argument in the appealed judgment, which held that the canon Mifsud, through good administration of the assets of his church, had indirectly improved "the common fund," even though "although the improvement is provided by the canon Mifsud, which is the common fund, it can indirectly improve, by increasing the mass of income"; in which he also contends that an error occurred, because it is not of the mass, but of the common table, that the case speaks. But we concede that the chapter's report spoke of the chapter table. However, whether in this case it is required that the canons of the second erection introduce improvements, in any way, into their benefices; or rather, whether it is sufficient that the structure of the church and the chapter table are improved, from the above it is clear. But he also contends that there is another error in the appealed judgment, when the commissioners' report spoke of the gratuitous service of the procurator.

[*Latin ed. p. 225*]

The Roman Rota. Canon Mifsud, having completed his duties "without his reward, but with great 'discomfort'," obtained a temporary dispensation, while, on the contrary, there exists a document confirmed by the authority of the Chapter, from which it is clear that Canon Mifsud performed the duties of a procurator for a stipulated fee. However, the appellate judgment explicitly stated that it remained indifferent as to whether improvements were made through an obligation, such as the office of a procurator, or otherwise. Furthermore, from a report made by the Chancel-

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lor of the Chapter on July 12, 1912, it is evident that Canon Mifsud not only increased the revenues of the Church and the Chapter, but also cooperated in increasing and preserving other benefits, and that he did all of this not as a procurator, and not for a fee or compensation. The appellant's counsel also affirms that an error of law occurred in the appellate judgment, stating that the judges gave their interpretation as being a legal one, because "the Chapter, with regard to rights granted to the college, is the interpreter and 'executor of its own statutes, whether established by itself or granted by legitimate authority, no less than is the author of statutes.'" However, these words in the judgment, with regard to the interpretation of statutes, are not to be taken literally. Indeed, the Chapter is not the authentic interpreter of statutes that it has not itself established; but, in this case, the Chapter correctly interpreted and applied the statutes granted by legitimate authority in admitting Canon Mifsud, and, after what has been said, there is no room for doubt. Finally, it cannot be argued that the case involves a reserved benefice, and therefore that it cannot be chosen. For the vacancy of the benefice in this case dates back to the death of the priest Ebejer, because the possession obtained by the Reverend Grech was never peaceful, but was always contested. Finally, there was doubt as to whether Canon Mifsud could be prevented from choosing, because he had and has a coadjutor. However, the facts of the case show that: 1) Canon Mifsud, although he has a coadjutor, was sufficiently and diligently present in the choir; 2) the practice and custom prevail in the Melevitan Chapter, whereby all canons, whether they have a coadjutor or not, are admitted to choose, provided that the other conditions are met. As for the law, it should be noted that: 1) Those canonists who deny that canons, even if they have a coadjutor, have the right to choose a benefice that is inseparably attached to their canonical title, admit it in the case of a favorable custom, as taught by Pitio in Discip. Eccles. 10; 2) In choices, the statutes of the Chapter must be observed above all; Rota, Rec. Dec. 571, n. 7, p. 4, vol. 3. The Chapter can indeed establish the manner of choosing, Rota, Rec. Decis. 308, num. 5, p. 17. And the choice is regulated by custom in the first place, as argued in Rota, Rec. Dec. 99, num. 25, part. 10; 3) The right to choose is not lost by reason of being a coadjutor, ACTA, vol. V, n. 8. — 16-Ö-913. 16

[*Latin ed. p. 226*]

Acts of the Apostolic See. - Official Commentary. Notwithstanding any auxiliary considerations, as the Rota has consistently held, in one case at Salmantina. Portion 15, October 1584, before the Vice-Comte, and in Urgellen. Canon Law, May 9, 1593, before Bianchetti and Bec. Decisions 140, numbers 18 and 19, part 4, volume 2. Considering all these matters, both in fact and in law, having carefully pondered them, and invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and with only God before our eyes, in response to the

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proposed question: Whether the sentence of the Rota of August 12, 1911, should be confirmed or annulled in this case, We answer, and definitively pronounce: Affirmative to the first part, negative to the second. The judicial expenses are to be borne by the parties, except for the costs of the sentence, which shall be fully paid by Canon Ciappara. Thus We pronounce and definitively sentence, ordering the Ordinary of the place and the officials of the tribunals to which this pertains, to enforce this sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, of the Council of Trent, employing the executive and coercive means that are more effective and appropriate for the circumstances. Aloysius Sincero, Prefect. Joseph Mori. Frederick Cattani. Sac. T. Tani, Notary of the Sacred Rota. LETTERS. TO THE MOST REVEREND FATHER PIUS MARCELLUS BAGNOLI, BISHOP OF MARSORUM, PRESENTED WITH FILIAL REVERENCE BY THE STUDENTS OF THE SEMINARY OF THE AFORESAID DIOCESE. The students of the diocesan seminary have sent to the Holy Father, on the joyful occasion of his feast day, a noble expression of veneration, of affectionate obedience, and of devout wishes.

[*Latin ed. p. 227*]

Secretariat of the State. The august Pontiff was pleased by the sentiments expressed by the aforementioned seminarians, and He rejoices with Your Eminence and Reverend Lordship, encouraging you to continue and to generously perfect the holy work begun for the benefit of the clergy and the entire diocese. And for this purpose, the Holy Father, invoking the abundance of heavenly graces, impartially grants to Your Eminence, to the superiors, and to all the students of the Seminary the earnestly requested apostolic blessing. With sentiments of the most sincere esteem, I proceed, and after this, I take pleasure in reaffirming my respect to Your Eminence. Rome, March 27, 1913.

Your Servant, R. CARD. MERRY DEL VAL.

TO THE MOST REVEREND FATHER, JOHN,

AS A SON RENDERS OBLIGATION TO HIS FATHER,

AN EXAMPLE OF THE ACTS OF VENERATION AND THE AUGUST SYNOD,

THE BISHOP,

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OF THE DIOCESE,

WHO HAS PRESENTED [THIS].

It has been to the true gratification of the Holy Father the volume of the Acts of the Synod held in this city, in the past month of August, which Your Eminence has offered to Him with sentiments of filial veneration. Thanking you for this reverent tribute, the august Pontiff expresses the hope that the resolutions taken during the Synod, being diligently put into effect, may prove of great spiritual benefit to the clergy and to the faithful entrusted to Your care. His Holiness has also noted with pleasure that Your Eminence has very appropriately added, as an Appendix, to the Synodal Constitutions a copious collection of Acts of the Holy See and other documents, which will, without doubt, prove of great utility to the clergy. I am pleased to inform you that the Holy Father has also received with pleasure a copy of the French version of the new "Catechism," with the "First Elements of Christian Doctrine," for the use of the diocese of Aosta, and I am equally pleased to add that His Holiness sends, with heartfelt emotion, the earnestly requested apostolic blessing to Your Eminence, to the clergy, and to the faithful of the entire diocese.

[*Latin ed. p. 228*]

Acts of the Apostolic See. - Official Commentary. I add my personal thanks for the copies of the Synod and the version of the Catechism, kindly sent to me, and I gladly take advantage of this meeting to reaffirm, with sincere esteem for Your Excellency, Ulm, to Rome, April 8, 1913. Your Servant, R. CARD. MERRY DEL VAL. III. TO THE REVEREND FATHER AND DOCTOR, DITO ELECTOR I. SEVIN, ARCHBISHOP OF LYONS, ON THE FIRST CENTENARY OF THE BIRTH OF FREDERIC OZANAM. It has been pleasing to the Holy Father, Pope Pius X, to learn, through the letters of Your Eminence, of the noble project conceived by Your Excellency, by the clergy, and by the Catholics of your diocese, to offer prayers of thanksgiving to God for the fruitfulness of the examples and the vitality of the works left behind by the illustrious Christian, Frédéric Ozanam. It is natural that these celebrations should take place, on the occasion of the centenary of his birth, in the city of Lyons, so glorious in the past, as in the present, in its manifestations of faith and charity. Indeed, it was within the bosom of the ancient, primatial Church of the Gauls, under the influences of devotion to the Virgin Mary, and in the touching practice of visiting the poor, that God first prepared this generous soul, and in which He deposited the initial graces, full of wondrous promises. The great Christian whose merits you are about to exalt was deeply convinced, in the face of the social peril that he saw constantly increasing, that the salvation of society must come from the religion of Our Lord Jesus Christ,

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and from a return to the teachings and practices of the Gospel. He knew how to put, with courage, at the service of Christian truth and charity, the riches of soul of which he was indebted to nature and to grace. Always obedient to the Church, he conceived and realized a model of Catholic and social work which, in the relief of human miseries, seeks above all, through prayer and the sacraments, the per-

[*Latin ed. p. 229*]

Secretariat of State. Supernatural effect, both on those who dedicate themselves to it, and on those to whom it is addressed. It is upon this foundation, foreign to all compromise, that the Conferences of Charity under the patronage of Saint Vincent de Paul, of which Frédéric Ozanam was the principal initiator and organizer, have rapidly grown from a tiny seed into a great tree, extending its branches laden with fruit over so many regions of the Catholic Church: a powerful example for all those who strive to put an active life at the service of God and neighbor. The Holy Father expresses his wishes that, among you, a generation of young men and men, resolved to follow in the footsteps of Ozanam and his companions, may arise ever more abundantly. He asks God that these valiant ranks be filled with enthusiasm in their convictions, yet disciplined in their methods, informed of the dangers of their time, preserved from chimerical notions, and entirely disposed, in full possession of the traditions of Christian apostolate, to radiate around them a holy and salutary action for the awakening of faith and the victories of charity. As a pledge of heavenly favors, the Supreme Pontiff sends, with all his heart, the apostolic blessing to the organizers of the upcoming celebrations and to all those who will participate in them. He blesses, in your person, the head of the diocese; He blesses His Eminence, Cardinal de Cabrières, to whom you have offered the presidency of the celebrations; He blesses the Bishops who will attend the ceremonies; He blesses the clergy, the faithful people, and, with particular benevolence, your societies of the Conferences of Saint Vincent de Paul. With my personal wishes for the success of your celebrations, please accept, Monsignor, the expression of my devoted sentiments in Our Lord. Rome, April 10, 1913. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 230*]

230 *Acta Apostolicae Sedis.* - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. ORDINARY SESSION. On the 29th of April, 1913, in the Apostolic Palace at the Vatican, the Ordinary Session of the Sacred Rites was held, in which, for the judgment of the Most Reverend and Illustrious Cardinals, members of the same, the question was presented concerning the introduction of the cause of Beatification and Canonization of the Servant of God, Peter Donders, a professed priest of the Congregation of the Most Holy Redeemer.

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SECRETARY OF STATE. BY NAME. With a letter from the Secretary of State, the Holy Father deigned to appoint: March 7, 1913. – The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Congregation of the Sisters of the Holy Family of Nazareth. With Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotary, as if among those participating: May 4, 1913. – Monsignor Giuseppe Ernesto Menten, of the diocese of Ruremonda. Domestic Prelates of His Holiness: April 18, 1913. – Monsignor Emiliano Dubois, general vicar of the archdiocese of Toulouse. – Monsignor Giovanni Raynaud, general vicar of the same archdiocese. – Monsignor Guglielmo Saturnino Assieu, general vicar of the same archdiocese. – Monsignor Francesco Saverio Delpech, archpriest of the Metropolitan Church of Toulouse. April 20. – Monsignor Amedeo Gouin, general vicar of the diocese of Le Mans. April 26. – Monsignor Lodovico Balics, general vicar of the diocese of Giavarino. April 26. – Monsignor Antonio Balits, canon of the same diocese. April 27. – Monsignor Mattia Vesely, canon of the royal collegiate chapter of Vysehrad, in the diocese of Budweis.

[*Latin ed. p. 231*]

Diarium Romanae Curiae. 231, May 1, 1913. — Monsignor Augusto Brehm, counselor and dean of the cathedral of Spires. — Monsignor Conrad Mangóla, of the diocese of Rottenburg. May 3. — Monsignor Enrico Frémaux, pastor and dean in Lille. — Monsignor Edmondo Pietro Jaspar, of the archdiocese of Cambrai. With letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Chamberlain of His Holiness: April 21, 1913. — Monsignor Ercolano Giampieri, of the archdiocese of Zara. — Monsignor Vincenzo Miossevich, of the same archdiocese. — Monsignor Angelo Piasevoli, of the same archdiocese. April 25. — Monsignor Lorenzo Kotecki, of the diocese of Posen. — Monsignor Giuseppe Surzynski, of the same diocese. — Monsignor Stanislao OkoniewsM, of the same diocese. April 26. — Monsignor Carlo Walterbach, of the archdiocese of Munich of Bavaria. May 2. — Monsignor Prospero Wenck, of the archdiocese of Turin. May 3. — Monsignor Carlo Fritz, of the archdiocese of Freiburg (Germany). — Monsignor Vincenzo Schweitzer, of the diocese of Rottenburg. Honorary Chamberlain in purple of His Holiness: April 14, 1913. — Monsignor Francesco Hermann, of the diocese of Sirmio and Bosnia. — Monsignor Ernesto Filippi, of the diocese of Poggio Mirteto. April 19. — Monsignor Massimino Corsi, general vicar of the diocese of Bovino. April 25. — Monsignor Stefano Paar, of the diocese of Già varino. April 26. — Monsignor Giuseppe Pichler, of the archdiocese of Munich of Bavaria. — Monsignor Pietro Winkler, of the same archdiocese. April 29. — Monsignor Gaspare Mazur, of the diocese of Tarnovia. — Monsignor Andrea Sekowiski, of the same diocese. — Monsignor Ladislao Chendynski, of the same diocese. — Monsignor Serafino Banfi, of the diocese of Southwark. April 30. — Monsignor Felice

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Józefowicz, of the archdiocese of Leopoli (rite Latin). May 3. — Monsignor Giacomo Federico Bussereau, of the diocese of Spires. Honorary Prelate Extra Urbem of His Holiness: April 18, 1913. — Monsignor Paolo Gregor, of the diocese of Gnesen and Posen. — Monsignor Giovanni Nepomuceno Amschl, of the diocese of Secovia. April 25. — Monsignor Eugenio Dodek, of the diocese of Giavarino.

[*Latin ed. p. 232*]

Acts of the Apostolic See. - Official Commentary. Extraordinary Chamberlain of Sword and Cape of His Holiness: April 27, 1913. — The Most Noble Count Francesco Kwilecki, of the diocese of Posen. Honorary Chamberlain of Sword and Cape of His Holiness: March 29, 1913. — The Reverend Mr. Francesco Houtart, of Brussels. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: April 25, 1913. — To Mr. Constant Groussau, professor of law at the Catholic University of Lille. The Insignia of the Order of Saint Gregory the Great: April 28, 1913. — To Mr. Girolamo Kölle, prefect of a section in the Imperial and Royal Ministry of Agriculture at Vienne. The Commanderate of the Order of Saint Gregory the Great, civil class: April 30, 1913. — To Mr. Joseph de Coppin de Grinchamps, of the diocese of Namur. The Commanderate of the Order of Saint Sylvester the Pope: April 1, 1913. — To Mr. Sebastian de Probizer, Consul of Austria-Hungary in Rustschuck (Nicopolis). April 27. — To Mr. Michele Zavadlal, inspector of secondary schools of Dalmatia. The Knight of the Order of Saint Gregory the Great, civil class: May 3, 1913. — To the following gentlemen: Camillo Caron-Bonnel, Claudio Charvet-Lesaffre, Professor Maurizio Vanlaër, Giulio Billiet, Enrico Mabille de Poncheville, Paolo Lambert-Destailleurs, and Carlo Edme Maria Giuseppe Jeanson, of the archdiocese of Cambrai. The Knight of the Order of Saint Sylvester the Pope: April 23, 1913. — To Mr. Francesco Niederwieser, of the archdiocese of Munich (Bavaria). — To Mr. Edoardo Darwiot, of the diocese of Dijon. NECROLOGY. May 10, 1913. — Bishop Antonio Pitera, titular bishop of Auzia. May 13. — Archbishop Emmanuele Battista da Cunha, of Braga.

[*Latin ed. p. 233*]

Year V. - Volume V. June 9, 1913. COMMENTARY No. 9. OFFICIAL ACTS OF POPE PIUS X. APOSTOLIC LETTERS. I. ERECTION OF TWO APOSTOLIC VICARIATES IN THE NEWLY FORMED TERRITORY OF NYASSENSI, SEPARATED. PIUS PP. X. For the perpetual memory of this event. — It is always a great comfort to Us that savage and uncivilized peoples, who previously sat in darkness and in the shadow of death, are converted to the faith of Christ in such large numbers, that it is necessary to establish new missions for them. Therefore, We have received with a joyful spirit the news that the Lord's flock has grown so greatly in the

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vast Apostolic Vicariate of Nyassensi, that it seems opportune to separate a considerable region from it, in which proper pastors may more easily and abundantly nourish their spiritual flock. Therefore, after carefully considering all matters with Our Most Reverend and Venerable Brothers, Cardinals, diligently dedicated to the Propagation of the Christian Faith, and through Our own certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by the force of these letters, We divide and separate the territory of Nyassensi, extending westward to the Anglo-Belgian borders, through the line of the watershed between the Luangua and Chambezi rivers, and then through the thirteenth degree of southern latitude, into two parts, of which the one lying to the south We order to be called by the ancient name of Nyassa, and the other, to the north, We erect and establish as a proper Apostolic Vicariate, with all rights, honors, privileges, and indulgences pertaining to missions, and We decree that it be called "de Banguelo."

[*Latin ed. p. 234*]

Acta Apostolicae Sedis. - Official Commentary. From this new vicariate, may no less abundant fruits of the Christian religion and life be gathered; with equal authority, We entrust it to the care of the Congregation for the Propagation of the Faith for Africans, who have already, through their labors in that region, demonstrated excellent zeal and fruitful diligence. We decree that these present letters shall always remain valid and effective, and shall fully and completely produce and obtain their intended effects; and that those to whom they pertain shall fully support them now and in the future; and that in all matters pertaining to these, they ought to be judged and decided by whatever ordinary and delegated judges; and that they shall be null and void if, concerning these matters, anything should happen, by any authority, knowingly or unknowingly, that contradicts them. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding matters of law, and other constitutions and apostolic sanctions, and all other things, even those deserving of special and individual mention and derogation, which might be contrary to these. Given at Rome, at St. Peter's, under the Fisherman's ring, on the twenty-eighth day of January, 1913, in the tenth year of Our pontificate. R. L. S. CARD. a MERRY DELVAL, Secretary of State.

THE APOSTOLIC PREFECTURE OF TRIPOLI IS ERECTED INTO AN APOSTOLIC VICARIATE, WITH THE TITLE OF LIBYA. PIUS PP. X. For the perpetual memory of this event. — The command that Our Savior gave to His Apostles, saying, "Going therefore, teach ye all nations," is the highest that We, as Apostles on earth, receive from God, so that We may diligently strive for the increase of the Christian Faith. Now, when it seems opportune to promote the glory of the divine name more effectively in North Africa, and so that the faithful living on the shores of Libya may

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receive greater increases of salvation, We, after having consulted with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, hereby decree, establish, and ordain the following: Therefore, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, by the tenor of the present document, the Apostolic Prefecture of

[*Latin ed. p. 235*]

Acta P.P. X. 235. We erect the Apostolic Vicariate of Tripolitania, to be entrusted to its proper administrator. Furthermore, we wish that this new vicariate consist of the same territory as the old prefecture, and be circumscribed by the same boundaries; and we give it the name of Libya. We decree that these present Letters shall always remain firm, valid, and efficacious, and shall have their full and complete effect; and that those to whom they pertain shall fully support them now and in the future; and that it shall be rightly judged and defined, and that it shall become void and null if anything whatsoever should be attempted concerning these matters, knowingly or unknowingly, by anyone, with any authority whatsoever. Notwithstanding Our own regulations and those of the Apostolic Chancery concerning matters of law, and other constitutions and ordinances apostolic, even those deserving of special and individual mention and derogation, and all other things whatsoever that may be contrary to these. Given at Rome, near St. Peter's, under the Fisherman's ring, on the twentieth day of February, in the year 1901, in the tenth year of Our Pontificate. R. CARD. L.- I$! S. a MERRY D E L Secretis VAL, Status. III. A NEW APOSTOLIC VICARIATE IS ERECTED, NAMED AFTER FIANARANTSOA, IN THE ISLAND OF PIANARANTSOA, MADAGASCAR. PIUS P.P. X. For the perpetual memory of the matter. — The care of all churches has been divinely entrusted to Us, and this especially demands that, directing Our attention to any part of the Catholic world where we know that something will be beneficial and conducive to the growth of the Christian people, we prepare it, using Our supreme authority. Therefore, since we believe that, if the Apostolic Vicariate of central Madagascar is divided, more abundant fruits can easily be brought forth in that island, We, after having consulted with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, by Our own motion, with certain knowledge and mature deliberation, and by the fullness of Our apostolic power, by the force of these letters, we withdraw the southern region from the territory of the Apostolic Vicariate of central Madagascar, and we erect it into an Apostolic Vicariate, distinguished by the name of Fianarantsoa, and we entrust it to the care of the priests of the Society of Jesus, with the following

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statutes and limits: to the north, up to 20 degrees latitude.

[*Latin ed. p. 236*]

Acts of the Apostolic See. - Official Commentary. 236 The boundaries of the civil province of Autsirabe extend to the southern limits of the same province, up to where they reach again the 20th degree of latitude, this being maintained towards the Indian Ocean; to the east, the Indian Ocean itself, from the 20th to the 22nd degree of latitude; to the south, the apostolic vicariate of Southern Madagascar; to the west, the Mozambique Sea, from the 20th to the 22nd degree of latitude. We wish and command that all that which We have established and declared in these Our Letters be considered valid and firm, and so remain in the future; and We decree that whatever may happen concerning these matters, by any authority, shall be null and void, notwithstanding any contrary provisions. Given at Rome, near the blessed Apostle Peter, under the Fisherman's Ring, on the tenth day of May, in the year 1913, in the tenth year of Our Pontificate. R. CARD. a I * ® S. MERRY D E L Secretis VAL, Prefect. (SECTION ON INDULGENCES) DECREE. SODALITIES PROMOTING AND FOSTERING ECCLESIASTICAL VOCATIONS ARE GRANTED SPIRITUAL GRACES. Indeed, the most provident God is present in His holy Church, so that He may send workers into the harvest at the opportune time; and He does not disdain to have His faithful frequently cooperate in the undertaking of such missions. The author of this most pious plan is the fact that many Sodalities have arisen throughout the world, to foster, protect, and aid ecclesiastical vocations. Some of these have obtained spiritual favors, through the benevolence of the Supreme Pontiff, while others have implored those with which they might enjoy such benefits. However, since the rationale of the institutions is common, to the Most Reverend Fathers Generals of the Inquisitors, to whom the moderation of Indulgences pertains, in the customary meetings held on Thursday, May 28, in the year 1913, a common grant to all was deemed more appropriate. And His Holiness, Pope Pius, of divine memory, P. X, to whom, on the day of May 29,

[*Latin ed. p. 237*]

The Most Holy Congregation of the Holy Office, in the aforementioned year of 1913, having received a report from the Reverend Father, Assistant of the Holy Office, concerning these matters, and adhering to the vote of the Fathers, deigned to grant that all and each Societies, whose principal and immediate purpose is to promote ecclesiastical vocations and to assist them with suitable means, provided that they are canonically erected by the Ordinary or are to be erected in the future, may enjoy the following Indulgences and privileges:

I. A plenary Indulgence:

1) May be obtained by any Christian, on the day of entering the Society,

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if he has confessed and received the Sacraments, and offers pious prayers according to the wishes of the Supreme Pontiff.

2) At the hour of death, may be obtained by the members, if they have confessed and received Holy Communion, or at least if they are contrite, and devoutly invoke the Holy Name of Jesus, either with their mouth, if they are able, or with their heart, and if they patiently accept death as the punishment for sin from the hand of the Lord.

3) On feast days: the titular feast of the respective Society; on the birthdays of the Saints Apostles, according to the decree of the Holy Congregation of Indulgences, of September 18, 1862; and on one of the three days of each of the four seasons, if the members, having confessed and received the Sacraments, visit a church or public oratory, and pray according to the wishes of the Supreme Pontiff.

II. An Indulgence of one hundred days, for each work of piety or charity, which is performed according to the purposes of the Society by any of the members.

III. Finally, the same Most Holy Congregation declared that all Masses which are celebrated for the suffrage of the souls of deceased members of the Society, shall be of such benefit to those souls, as if they had been celebrated at a privileged altar.

This [decree] is valid forever, without any need for a Brief [papal bull].

In contradiction to anything to the contrary.

M. CARD. RAMPOLLA.

L.S.

D. Archiep. Seleucien., Ads. S. O.

[*Latin ed. p. 238*]

Acts of the Apostolic See. - Official Commentary. 238. SACRED CONGREGATION CONSISTORIAL. I. DECREE CONCERNING PRIESTS APPOINTED TO OFFICE IN FRANCE. Since the civil law of Gallus, which prohibits ecclesiastical men from being elected to the office of Deputies in the legislative assembly of the Republic and to similar offices, is about to expire at the end of this year, and therefore priests may be able to compete for these offices in the upcoming elections; it was inquired by some local Ordinaries whether the provision issued by the Most Holy Pope Pius X through the office of the Sacred Congregation for Extraordinary Ecclesiastical Affairs on April 2, 1906, still remains in force, which stipulated that no priest is permitted to present himself as a candidate for the aforementioned offices without the consent of his own Ordinary and the Ordinary of the place where he wishes to present himself as a candidate. After hearing the opinion of the Consultors and having carefully considered the

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matter, the Sacred Consistorial Congregation decided that the aforementioned prescription should remain in force for all men of whatever order and condition in the Church, even if they should have previously held the aforementioned offices. Furthermore, the Most Holy Pope ordered that this resolution be made public and that those to whom it applies should observe it religiously. Given in Rome, from the Secretariat of the same Sacred Congregation, on May 9, of the year 1913. C. CARD. DE LAI, Secretary. L. S. John Baptist Rosa, Substitute. II. CHURCH PROVISIONS. By successive decrees of the Sacred Consistorial Congregation, the Most Holy Pope Pius X has provided for the following churches with their own pastors, namely: April 26, 1913. — To the cathedral church of Matanza, the priest Charles Warren Currier, of the archdiocese of Baltimore, was appointed.

[*Latin ed. p. 239*]

Sacred Congregation of the Consistory. 239, April 29th. — To the Reverend Monsignor Charles Pietropaoli, titular Archbishop of Chaleid, formerly Bishop of Trivento and recently Apostolic Delegate in the territory of Venezuela, who has resigned. May 2nd. — To the Reverend Frederick Piffl, in the world Gustav, Abbot of the Lateran Palace and Prior of the Canonry of Claustroneburg, for the Metropolitan Church of Vienne. May 7th. — To the Reverend Alexander Kakowski, Canon of Warsaw and Rector of the ecclesiastical academy in the city of Petrograd, for the Metropolitan Church of Warsaw. May 9th. — To the Reverend Thomas Fennelly, titular Archbishop of Metymna, formerly Archbishop of Cashel and Emly. May 14th. — To the Reverend Robert Fraser, Rector of the Scottish College in the City, for the Cathedral Church of Dunkeld. May 15th. — To the Reverend Augustine Addèo, in the world Felix, of the Order of the Eremites of Saint Augustine, Prior in the convent of Saint Augustine in Pavia, for the Cathedral Church of Nicosia, or Herbite. May 20th. — To the Reverend Angel Petrelli, of the Diocese of Lecce, parish priest of the place commonly called Arnesano, for the Cathedral Church of Venusinae. May 22nd. — To the Reverend Stephen Julius Gazaniol, formerly Bishop of Constantina, for the titular Archbishopric of Modren. May 24th. — To the Reverend Arthur Béliveau, parish priest of the Cathedral Church of Saint Boniface, for the titular Archbishopric of Domitiopolis, to be his Auxiliary to the Most Reverend Louis Philip Adelardi Langevin, Archbishop of Saint Boniface. May 26th. — To the Reverend Julius Alexander Leon Bouissière, of the Archdiocese of Albi, General Vicar of Oran, for the Cathedral Church of Constantina.

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis. - Commentarium Officiale. SACRA CONGREGATIO DE RELIGIOSIS AUTHENTICAE VERSIONES DECRETI DE MONIALIUM ET SORORUM CONFESSIONIBUS L DECRETO DE LAS CONFESIONES DE LAS MONJAS Y DE LAS HERMANAS.

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Habiendo hasta el presente publicado, según las diversas necesidades y circunstancias de los tiempos, muchas leyes para regular las confesiones sacramentales de las Monjas y de las Hermanas, ha parecido bien reunirlas, modificadas en parte y ordenadas en un solo Decreto del siguiente tenor.

1. Por regla general, cada Comunidad, ya de Monjas como de Hermanas, tendrá un solo Confesor ordinario, salvo que el número de Religiosas u otro justo motivo obligue a señalar dos o más.

2. El Confesor ordinario, por lo general, no permanecerá en el oficio más de tres años. Sin embargo, el Obispo o el Ordinario podrá confirmarlo para un segundo, o incluso para un tercer trienio: a) si por escasez de sacerdotes idóneos para tal oficio, no pudiere proveer de otro modo; o b) si la mayoría de las Religiosas, aun comprendidas aquellas que en otros asuntos carecen de voto, conviene por votación secreta en pedir la confirmación del mismo Confesor. Con todo, si lo desean, se proveerá de otra manera.

3. Varias veces al año, dése a cada Comunidad religiosa un Confesor extraordinario al cual todas las Religiosas deberán presentarse, al menos para recibir su bendición.

4. Señale el Ordinario para cada casa religiosa algunos sacerdotes a los cuales puedan las Religiosas llamar fácilmente en casos particulares para confesarse.

5. Sea el Ordinario fácil en conceder un especial Confesor o Director a la Religiosa que lo pidiere para tranquilidad de su conciencia.

[*Latin ed. p. 241*]

Sacred Congregation of Religious. for greater advancement on the path to perfection; nevertheless, be vigilant so that with such a concession, abuses are not introduced; and if, perchance, abuses are introduced, eliminate them with prudence and caution, always preserving the freedom of conscience. 6. If the religious house is subject to the Ordinary of the place, he chooses the confessors, both ordinary and extraordinary; but if it is subject to a Regular Superior, he will present the confessors to the Ordinary, to whom it belongs to grant them the faculty to hear confessions. 7. For the office of confessor, whether ordinary, extraordinary, or special, priests may be designated, both from the secular clergy and from the regular clergy, with the permission of their superiors, provided that they do not have external jurisdiction over the religious. 8. These confessors must have completed forty years of age and must be distinguished by their prudence and integrity of customs; nevertheless, the Ordinary, for just reasons and if his conscience is burdened, may choose younger priests, provided that they excel in the aforementioned qualities. 9. The ordinary confessor cannot be appointed as extraordinary for the same community, nor can he be re-elected as ordinary, except in the cases provided for in article % until one year has passed since he ceased holding the office. The

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extraordinary confessor may immediately be elected as ordinary. 10. All confessors of nuns or of religious sisters must refrain from interfering in the internal and external governance of the community. 11. When a religious sister requests an extraordinary confessor, no superior can, by herself or through others, either directly or indirectly, investigate the reasons for such a request, nor can she oppose it with words or actions, nor in any way show displeasure; if she does so, she shall be admonished by the Ordinary himself; if she persists in the fault, she shall be deposed by the same Ordinary, after hearing the Sacred Congregation of Religious. 12. It is forbidden to the religious sisters to speak among themselves about the confessions of their sisters, or to censure those who confess with a confessor other than the one designated; otherwise, they shall be punished by the superior or by the Ordinary. 13. If the special confessors, called to a monastery or religious house, observe that no just reason of necessity or spiritual utility motivates the religious sisters to go to them, they shall dismiss them with prudence. Furthermore, all religious sisters are admonished not to abuse [this provision].

[*Latin ed. p. 242*]

•242 Acta Apostolicae Sedis. - Commentarium Officiale. The faculty of calling a special confessor is not granted for worldly reasons, but for the spiritual good and greater advancement in religious virtues, setting aside all human considerations. 14. Whenever Nuns or Religious Sisters, for any reason, find themselves outside their own house, they may confess in any church or oratory, even if it is semi-public, with any priest approved to hear confessions of both men and women. The Superiora cannot prohibit or inquire about this, either directly or indirectly, nor are the Religious Sisters obligated to inform her of it. 15. In the case of serious illness, even without danger of death, all Nuns or Religious Sisters may call any priest approved to hear confessions, and confess to him as often as they wish, as long as the illness persists. 16. This Decree must be observed by all religious communities of women, both those of solemn vows and those of simple vows, and by Oblates or other pious communities that do not take vows, even if the Institute is only diocesan. It also binds those communities that are subject to the jurisdiction of Regular Prelates; and if these neglect the faithful observance of this Decree, the Bishop or Ordinary of that place must take care of it, as Delegate of the Apostolic See. 17. This Decree shall be added to the Rules and Constitutions of each religious Institute and shall be read publicly in the vernacular language once a year at the Chapter of all the Religious. Therefore, after the opinion of the Most Eminent Cardinals of the Sacred Congregation of Religious was requested at the plenary session held in the Vatican on January 31, 1913, our Most Holy Father, Pope Pius X, having heard the report of the undersigned Secretary, deigned to approve this Decree in all its parts and to confirm it, ordering that it be published

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and that, from now on, it be strictly observed by all those to whom it applies. Notwithstanding anything to the contrary, even if it deserves special and individual mention. Given in Rome, in the Secretariat of the Sacred Congregation of Religious, on the 3rd day of February, 1913. Fr. J. C. CARD. VIVES, Prefect. L. ”S. f Donato, Archbishop of Ephesus, Secretary.

[*Latin ed. p. 243*]

Sacra Congregatio de Religiosis. 243 DECRETO DE CONFESSIONIBUS SORORUM RELIGIOSARUM, TAM ECCLESIALIBUS QUAM PRIVATIS VOTO. Cum, ad tempus, et secundum necessitates et circumstantias, multa leges emissa sunt ad regulandam confessionem sacramentalem sororum religiosarum, tam votorum solemnium quam privatim, nunc videbatur opportunum eas ordinare et, cum quibusdam modificationibus, in unum decretum colligere, ita scriptum:

1. In omni communitate sororum religiosarum, tam votorum solemnium quam privatim, in genere, unus solum sacerdos designandus sit ut confessor; nisi quod numerus magnus sororum, vel alius quilibet iustus causa, necessitatem faciat ut duo vel plures designentur.

2. Confessor ordinarius, in genere, non plus quam tres annos in officio manere debeat. Immo vero, Episcopus vel Ordinarius eum secundo, aut etiam tertio, loco confirmare potest, pro tribus annis, si: a) propter defectum sacerdotum idoneorum ad talem officium, aliter non possit providere; vel b) si maior pars sororum, etiam illae quae aliter non habent suffragium, in secreto suffragio confirmationem petant, proviso tamen quod, pro illis quae non consentient, si ita volunt, aliter providaetur.

3. Saepius in anno, communitati religiosa extraordinariae confessioni sacerdos praebeatur, cui omnes sorores se adhibeant, ut saltem benedictionem recipiant.

4. Pro omni domo religiosa, Episcopus aliquos sacerdotes designet, quos sorores, in casibus singulis, facile ad audiendum confessionem sacram

[*Latin ed. p. 244*]

244 Acta Apostolicae Sedis. - Commentarium Officiale. Ut nulli abusi ex talis concessione oriatur, et si abusus oriantur, diligenter studeat eos corrigere, sed ita ut libertas conscientiae semper servetur. 6. Si religiosae domus Ordinario loci subdita est, hic presbyteros aptos ad munus confessionis ordinariae et extraordinariae eliget; si autem Ordini superiori subdita est, superior huius Ordinis presbyteros ad munus confessionis Ordinario loci exhibet, cuius est facultas eis ius ad audiendas confessiones concedere. 7. Ad munus confessionis, sive ordinariae, sive extraordinariae, sive

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specialis, praesbyteri saeculares, et, cum licentia superiorum, praesbyteri regulares, institui possunt, excepto quod non possint habere ius audire confessiones sororum in foro externo. 8. Hi confessores annum XL aetatis completum habere debent, et vita sua probata et prudentia ornata esse; sed Ordinarius, ex iusta causa et propria responsabilitate, etiam presbyteros qui hunc aevum nondum attigerunt, ad hoc munus determinare potest, dumtaxat ea praedicta spiritualia officia praeferant. 9. Confessor ordinarius non potest ad munus confessionis extraordinariae constitui, nec, praeter casus in paragrapho 2 mentionati, iterum ad munus confessionis ordinariae confirmari potest, antequam unum annum ab expiratione muneris sui transiverit. Confessor extraordinarius, vero, etiam statim ad munus confessionis ordinariae determinari potest. 10. Omnes confessores sororum, sive sollemnibus, sive simplicibus votis, cavendum est ut non in administrationem internam vel externam communitatis intersint. 11. Si aliqua soror confessionem a confessore extraordinario desiderat, nulli superiori licet, aut ipsi, aut per interpositos, directe vel indirecte, causas huius desiderii inquisitionem facere, petitioni resisti verbis vel factis, vel alio modo displicentiam suam ostendere. Si superior ita ageret, primo a competente autoritate ecclesiastica monenda est; si secundo erraret, ab eodem auctore removenda est, prius autem Sacram Congregationem Regularis consultam.

[*Latin ed. p. 245*]

Sacred Congregation for Religious.

12. It is forbidden to the Sisters to speak among themselves concerning the confessions of their fellow Sisters, nor to permit censorious judgments regarding those who confess to someone other than the designated confessor; in case of transgression, they are to be punished by the Superior or the Ordinary.

13. If the special confessors, who are called to a convent of Sisters, whether taking solemn or simple vows, observe that the Sisters who come to them are not guided by any valid reason, whether of necessity or spiritual benefit, they should, with prudence, dismiss them. Furthermore, all Sisters should remember that they should make use of the right granted to them to request a special confessor only with regard to their spiritual advantage and greater progress in the virtues of a religious life, and not for human reasons.

14. Whenever Sisters, whether taking solemn or simple vows, find themselves outside the house to which they belong for any reason, it is permitted to them to confess in any church or oratory, even a semi-public one, and to any confessor approved for both sexes. The Superior is not permitted to forbid this, nor should she inquire about it, not even indirectly; nor are the Sisters obliged to inform the Superior of anything in this regard.

15. Each Sister, whether taking solemn or simple vows, may, in the case of serious illness, even if there is no danger of death, call any priest approved

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for hearing confessions, and confess to him as often as she deems it proper during said serious illness.

16. This decree must be observed by all religious female congregations, both those taking solemn vows and those taking simple vows, as well as by Oblate Sisters and other pious associations which do not take vows, even if it is only a diocesan institute. It also binds those communities which are subject to the jurisdiction of a religious prelate, and if this prelate does not ensure the faithful observance of this decree, the Bishop or Ordinary of the place must do so as a delegate of the Holy See.

17. This decree must be appended to the rules and constitutions of each religious institute, and read aloud once a year in the chapter, in the presence of all the Sisters, in the vernacular language.

[*Latin ed. p. 246*]

Acta Apostolicae Sedis. - Commentarium Officiale. His Holiness Pius X, after having taken cognizance of the opinion of the Cardinals of the Holy Congregation for Religious, who were assembled in a plenary session in the Vatican on January 31, 1913, and after having received the report of the undersigned Secretary, approved and confirmed this decree in all its parts, and ordered its publication, so that it may be observed in the future by all those to whom it pertains. This decree shall be valid notwithstanding any contrary provision, even if it deserves special and particular mention. Given at Rome, from the Secretariat of the Holy Congregation for Religious, on February 3, 1913. Fr. J. G. CARD. VIVES, Prefect. L. © S. f Donatus, Archbishop of Ephesus, Secretary. III. Since certain errors have crept into the English translation of the decree concerning the confessions of Nuns and Sisters, a new edition of the same translation is added. A DECREE REGARDING THE CONFESSIONS OF NUNS AND SISTERS. Whereas, to the present date, many laws have been promulgated, at various times and circumstances, to regulate the sacramental confessions of Nuns and Sisters; therefore, it has now been determined to collect and coordinate all these laws, with some modifications, in one Decree of the following tenor, to wit: 1. To each house of Nuns or Sisters there shall usually be assigned only one ordinary Confessor; unless the great number of Religious, or some other just motive, necessitate the appointment of two or more. 2. The ordinary Confessor should not, as a rule, hold this office for more than three years. The Bishop or the Ordinary, however, may reappoint him for a second or even third term of three years: a) if, through lack of priests suitable for this duty, he cannot otherwise provide; or b) if, by secret ballot, a majority of the Religious (counting also those who in other matters have no right to vote) request his retention.

[*Latin ed. p. 249*]

Sacred Congregation of Religious. 249: It is ordered that this be pub-

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lished and faithfully observed in the future by all those to whom it pertains. All dispositions whatsoever, even though worthy of special and individual mention, are hereby superseded. Given at Rome, from the Secretariat of the Sacred Congregation of Religious, on the third day of February, 1913. Father J. C. CARD. VIVES, Prefect. L. © S. f Donatus, Archbishop of Ephesus, Secretary.

Sacred Congregation for the Propagation of the Faith. I. DECREE. The Apostolic Prefecture of Bar-el-Gazal in Central Africa is established. The consideration of the times teaches that the announcement of the Divine Name is subjected to many and grave difficulties in the Apostolic Vicariate of Sudan, which extends very widely. Therefore, the Most Reverend Fathers of this Holy Congregation for the Propagation of the Faith, having convened plenary assemblies on May 26th of the current year, have decided that the territory of the aforementioned Vicariate should be divided, and that the entire region of Bar-el-Gazal should be separated from it, with the following boundaries: To the north, from the tenth degree of latitude north of the western borders of Anglo-Egyptian Sudan to the river Bar el-Arab, and then along the rivers Bar-el-Arab, Bar-el-Gazal, Bar-el-Gebel, and Sobat, up to the Anglo-Ethiopian border. To the east, along the aforementioned Anglo-Ethiopian border, from the Baro River to the mountain Naita, and then by a straight line from there to the city of Foweira on the Victoria Nile. To the south, along the Victoria Nile, and the northern shore of Lake Albert, and the Anglo-Belgian border. To the west, along the aforementioned Anglo-Belgian border, and then the Anglo-French border, up to the tenth degree of latitude north. Furthermore, it was decided that this defined territory should be established as a separate Apostolic Prefecture, to be called Bar-el-Gazal, and entrusted to the care of the Congregation of the Sons of the Sacred Heart. These Acts, volume V, number 9. — 9-6-1913.

[*Latin ed. p. 250*]

250 Acta Apostolicae Sedis. - Official Commentary. The opinion of the Fathers, reported below by the Most Reverend Secretary of this Congregation, in an audience on the aforementioned day, to the Most Holy Pope Pius, of happy memory, Pope Pius X, has been deigned to be approved in every respect by His Holiness, and He has ordered that a Decree be drawn up concerning this matter. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 30th of May, in the year of Our Lord 1913. Fr. H. M. CARD. GOTTI, Prefect. C. Laurenti, Secretary. II. DECREE. THE VICARIATE APOSTOLIC OF THE SUDAN IS RENEWED IN NAME. Whereas the Most Reverend Fathers of the Sacred Congregation for the Propagation of the Faith, in plenary sessions on the 26th of the current month, had established the erection of the apostolic prefecture of Bar-el-Gazal through a division from the Sudanese mission, they decreed that this Sudanese Vicariate, or of Central Africa, with new

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boundaries thus defined, should henceforth be called the Vicariate Apostolic of the Sudan. The opinion of the Most Reverend Fathers, as reported below by the Most Reverend Secretary of this same Congregation, in the aforementioned audience to the Most Holy Pope Pius, of happy memory, Pope Pius X, has been deigned to be approved in every respect by His Holiness, and He has ordered that a Decree be drawn up concerning this matter. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 30th of May, in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. C. Laurenti, Secretary. III. DECREE. THE TERRITORIAL BOUNDARIES BETWEEN THE APOSTOLIC PREFECTURES OF CIMBEBASIA INFERIOR AND MAGNI NAM AQUALAND ARE CHANGED. In order to more suitably distribute the ecclesiastical territory between the apostolic prefectures of Cimbebasia Inferior and Magni Namaqualando, the Most Reverend Fathers of the Sacred Congregation for the Propagation of the Faith, in plenary sessions,

[*Latin ed. p. 251*]

The Most Holy Congregation of the Propagation of the Faith, having been convened in a meeting on the 26th of the aforementioned month of May, judged it fitting to establish an ecclesiastical boundary between the two aforementioned prefectures, so that the southern portion of the civil district of Gobabis, Windhuk, Karibib, and Swakopmund, which shall henceforth entirely belong to the aforementioned mission of Cimbebasia, be constituted as such. This judgment, reported by the undersigned Secretary of the aforementioned Most Holy Congregation, Most Reverend Father N. Pio, Divine Providence, Prefect, X, in the aforementioned meeting, was approved and ratified in its entirety by His Holiness, and a Decree concerning this matter was ordered to be issued. Given in Rome, from the offices of the Most Holy Congregation of the Propagation of the Faith, on the 2nd of June, in the year of Our Lord 1913. Fr. H. M. CARD. GOTT:, Prefect. C. Laure, Secretary. IV. NOMINATIONS OF BISHOPS. By Apostolic Briefs, the following were nominated: May 9, 1913. — The titular Bishop of the Church of Gortinia and Goadius, with the right of succession to the Archbishop of Wellington, Reverend Father Thomas O'Shea, a member of the Society of Mary. — The titular Bishop of the Church of Milopotamos and Apostolic Vicar of Guam, Reverend Father Augustine ab Artesa de Segre, in the world Joseph Bernaus and Serra, of the Order of the Friars Minor Capuchin. — The titular Bishop of the Church of Myndus, with the office of ordaining Maronite clerics in the City, Reverend Father Nematallah Carame, rector of the Maronite College in the City. May 16. — The titular Bishop of the Church of Gindarus and Apostolic Vicar of the new vicariate of Fianarantsoa on the island of Madagascar, Reverend

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Father Charles Givelet, a member of the Society of Jesus.

[*Latin ed. p. 252*]

Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE RITES OF SURINAM, OR BUSGODUCENSI. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, PETER DONDERS, PRIEST, OF THE CONGREGATION OF THE MOST HOLY REDEEMER. Peter Donders was born in Tilburg, in the Netherlands, on October 1, 1809, a boy of good character, who, after reaching adolescence, first devoted himself to the humanities in the minor seminary of Buscoducensi, and then to philosophical and theological disciplines in the larger seminary of the same diocese, until, in the year 1841, he was ordained to the priesthood. Soon, inflamed by a burning desire to preach Christ among the infidels, and with the approval of his superiors, he petitioned to go to the shores of Guyana and the lands of Surinam. It is said that in those regions he labored greatly for the Catholic Faith. When, in the year 1865, the missions of Surinam were entrusted to the members of the Redemptorist Congregation, as they are called, of the Province of Holland, the Servant of God, as he had requested, was received among the students of that same Congregation. It is said that he himself devoted himself especially to the spiritual care of the lepers, so that he earned the title of "apostle of the lepers." Weary from labors and hardships, and seized by a fatal illness, having duly received the sacraments of the Church, he fell asleep in the Lord on January 14, 1887. Meanwhile, the fame of his sanctity, which accompanied the Servant of God even in his lifetime, after his death, increased day by day, so that Ordinary inquiries were conducted in Surinam and Buscoducensi, and were transmitted to the Sacred Congregation of Rites. Observing the proper order of law, and since all things are in readiness for further proceedings, at the urgent request of the Most Reverend Claudio Benedetti, general promoter of the Congregation of the Most Holy Redeemer, and after receiving letters from certain Eminences, Most Reverend prelates, and from Chapters, Orders, and Congregations, and from men of outstanding ecclesiastical or civil distinction, and with the Most Reverend and Most Illustrious Cardinal Octavius Cagiano de Azevedo, in place and vice of the Most Reverend and Most Illustrious Lord Cardinal Joseph Calasanctius Vives y Tuto, promoter of this Cause, in the meetings of the Ordinary Congregation of the Sacred Rites, convened at Vatican, the following question was proposed for discussion: Whether a commission should be appointed for the introduction of the Cause, in this case and for this purpose.

[*Latin ed. p. 253*]

Sacred Congregation of Bishops. 253. And the Eminent and Reverend Fathers, Prefects of the Sacred Rites, after hearing the report of the Emi-

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nent Proponent himself, and after also hearing the voice and the written statement of the Reverend Father Alexander Verde, Promoter of the Holy Faith, having diligently considered all things, judged it necessary to respond: Affirmative, or that the Commission should be signed, if it pleases the Most Holy [Pope]. On April 29, 1913. Subsequently, concerning these matters, the Most Holy Pope Pius X, through the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, received a report, and His Holiness, having ratified the decree of the same Sacred Council, deigned to sign with his own hand the Commission for the introduction of the cause of beatification and canonization of the Venerable Servant of God, Peter Donders, a professed priest of the Congregation of the Most Holy Redeemer, on May 14, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. & S. f. Petrus La Fontaine, Bishop of Charyste, Secretary. During the happy reign of Pope Pius X, in the tenth year of his pontificate, on January 16, 1913, the Reverend Fathers, Frederick Cattani, presiding, Anthony Perathoner, and Joseph Alberti, Auditors in the cause of the Apostolic Vicariate of Taikou (Korea) - concerning the Nullity of Marriage (which in the first instance was granted by His Holiness), between Agatha Ko and Matthias Youn Syek-tiyoun; the former represented by the official procurator, Advocate Ildebrand Silvestri Faà, the latter being contumacious, with the intervention and dissent of the Defender of the Sacred Bond at the Holy See, pronounced the following judgment. On December 11, 1907, the Catholic girl, Agatha Ko, of the Apostolic Vicariate of Taikou in Korea, aged 21 years, was joined in marriage with a young man, also Catholic, Matthias Youn Syek-tiyoun, in the chapel of the village of Ryen-Hpyeng, before the missionary, Reverend Father Lacroutz, and against her will, and apparently compelled by force and fear; thus, the marriage was...

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis. - Official Commentary. She, against her will, was forced to enter into a marriage, being led to the chapel and compelled to give her consent under threats and with the use of blows. On February 29th, in the year 1908, while preparations were being made in her father's house for the celebration of the civil marriage, and the litter, in which the girl was to be carried to her marital home according to custom, was ready, Agatha hid herself. Then all those who had been invited to the wedding began to search for her, and she was found hidden in the litter, and thus she was taken to the home of the bridegroom, Hentern. However, a few days later, she fled from her husband and returned to her family. But she was beaten by her father and forced to return to her marital home; and this happened on other occasions as well. The husband himself struck her with a stick because she did not want to live with him; for she never wanted to sleep with Matthias, but at night she stayed with her aunt; and finally, not yielding to the violence of her father, her uncle, or her husband, she

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deserted him; and as soon as it was possible, she went to the Apostolic Vicar of Taikou, and asked him to declare her marriage to Matthias Youn Syek-tiyoun null and void. The Apostolic Vicar of Korea, Gustavus Carolus Maria Mutel, entrusted the task of conducting the canonical process to D. Marcello Lacroutz, instructing him to hear the testimonies of witnesses, unless the defender of the marriage was present. This task was entrusted to the Reverend Father Aemilio Taquet, an apostolic missionary, who was granted the authority to choose a clerk to record the proceedings. Furthermore, he was instructed to send the process to him, so that he could pronounce judgment; and he added all other necessary instructions, so that the norms of law would be fully observed. However, the examining judge questioned some witnesses without the defender of the marriage being present, because he was far away from the place of examination. Then, after the process was completed, he pronounced a judgment declaring the marriage null and void, from which the defender of the marriage appealed to our Tribunal. The woman's advocate, chosen ex officio, before the new process began, requested that the acts be corrected, which were flawed in form, and that this case be decided in the first instance by this Sacred Congregation. With all of this obtained, this case is presented to us under the doubt: Whether there is proof of the nullity of the marriage in this case? This pertains to the law. The force, which St. Paul, in Leg. 2, Digest., defines as "a greater impetus, which cannot be resisted," is aptly distinguished by Cardinal Fagnanus into absolute or precise force, and conditional or compulsive force. Absolute and precise force removes the will entirely and causes violence, which is also defined by jurists as "that to which the principle is external, and in which the force contributes nothing." But conditional or compulsive force does not entirely remove the will, but diminishes it.

[*Latin ed. p. 255*]

The Roman Rota. 255, and therefore it does not produce a violent, but an involuntary, act; and this is the same thing as fear (Fagn., Comm. ad cap. 5, h. r. n. 2 et seq.). Fear, however, is defined by Ulpian as: "A trembling of the mind, caused by an imminent or future danger" (Leg. 1, Digest. Quod metus causa). The doctors, apud Schmaltzgrueber (h. t. n. 2), divide fear in three ways: 1) according to the cause, which may be necessary (and this is either internal or external), or free, that is, from a human being; 2) according to the manner, as it is justly or unjustly induced. An unjust fear can be instilled directly, or to a specific act, or indirectly, or not to any specific act; 3) according to the quality, as to whether it is grave, that is, affecting a steadfast man, so as to be able to divert him from his purpose, or light, which does not have that power to divert a patient, a man of strong mind, from his purpose. But grave fear is further divided into absolutely grave and respectively grave. The former is one that is so in itself; the latter is one that is grave only in relation to the person who is experiencing the

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fear. If we refer what we have said so far to marriage, it is clear that absolute, or antecedent, force, if used against a contracting party, and if it induces violence, renders the marriage null, due to the absolute lack of consent. But conditional force, or fear, if it is caused by an external and free cause, and if it is grave, unjust, and directly instilled, even if there is consent from the party entering into the marriage, it nevertheless renders the marriage null, that is, it is a dispelling impediment, as is clear from many places in the law, and especially from chapters 14-15 and 28, De spons. et matr., where it is written: "Marriage... is contracted solely by consent; and where it is questioned, he must enjoy full security whose mind is to be investigated, lest he say to himself 'it pleases me' when he hates it, and the consequences that usually follow forced marriages may occur" (cap. cit. 14, De spons.). These principles of law are sufficient for our case, and it is not necessary to discuss them further, unless we were to argue whether violence was present in the strict sense of the word, or only in the broader sense, or grave fear; and therefore, whether the marriage is null only because of the impediment of violence or fear, or rather because of the complete absence of consent. The facts presented to us are so serious that there is no room for doubt about the nullity of this marriage, and it is evident that violence, or grave fear, was unjustly instilled by a human being, directly to compel the marriage. Therefore, it remains for us to inquire whether what Agatha narrates is true, or not. This concerns the facts of the case. The examining judge questioned six witnesses, besides the actress, including an uncle and the father of the man in question, all of whom had knowledge.

[*Latin ed. p. 256*]

256 Acta Apostolicae Sedis. - Commentarium Officiale. They knew the circumstances of the case perfectly well, and those who vouch for the public reputation in the village of RyenHpyeng; and these, with one voice, confirm the account of Agatha, and, having sworn an oath in the proper form before the judge, they testify to the violence that Agatha suffered in order to celebrate a marriage with Matthia Youn Syek-tiyoun. However, he refused to appear in court, claiming that he was ill, but in truth, as the witness Anna Ko stated, "he said that he felt shame and horror even at the thought of speaking with a woman who had 'abandoned' him," and therefore, due to his contumacy, we pronounce a judgment. Now, let us hear what Agatha testified in court. She herself affirms that her father arranged the marriage without consulting her, and that when she learned of this from others, she told her aunt: "If you have a woman 'to be sold,' sell her" (which in their native language means, 'to be given in marriage'); "but I do not want to live with that Youn." And her aunt, "angered," said: "If that is the case, then leave the house," and she reported the words that I had said to my father. Then her father, shouting, said: "She is foolish! What kind of nonsense is she uttering?" Hearing this, I was afraid and remained

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silent, and "I heard no other words about this." The same is confirmed by her uncle and her father himself. Her uncle said: "The parents did not discuss the matter with her, because 'if they spoke with the girl about her marriage, she would object and run away'; and furthermore, 'according to the customs of the Gorean people, the entire matter of the marriage of their children belongs to the parents alone.'" And her father said: "I spoke to her about the marriage only once, but she was stubborn and said: 'Even if it is necessary for me, I will not marry Youn Syek-tiyoun,' and I have heard her 'repeatedly asking both her aunt and her uncle to prevent that marriage.'" Then Agatha recounts how, on the day of the marriage, she was taken to the chapel to celebrate the nuptials: "...while 'I was going to the well to wash my clothes, I was met on the road by Ko Tchyen Koueni Michael, who is the caretaker of the chapel, and he said to me: 'Let us go to the chapel, the priest is calling for you.' I replied: 'It is not necessary for me to go now, if I go later, it will be sufficient.' Then Tchyen Koueni, urging me, 'as if he wanted to tear the laundry basket from me,' said, 'Let us go quickly, he is waiting for you.' Therefore, unable to resist, I left my basket, and 'I entered a strange house, wanting to hide there.' Tchyen Koueni followed me, and said: 'Let us take your basket back home.' Then I returned home; and when that Tchyen-Koueni 'insisted too much that I go to the chapel, I said to him: 'If you go with me, I am ashamed before others; if you go first, I will follow you.' Then Tchyen-Koueni went to the chapel, but I hid myself in the house of my aunt, but when those who were in the chapel were waiting and saw that I was not coming,

[*Latin ed. p. 257*]

A. Montana Bota. "Tchyen-Koueni came to me seeking [her], and when she arrived at the place 'where I was hiding, she seized me and took me away.'" These words are fully confirmed by the very custodian of the church, who, after testifying, states that Agatha did not have the will to enter into marriage, and continues: "At the time of her marriage, I was performing the duty of guarding the church. On the day of the marriage, when Agatha did not come to celebrate it, her parents ordered me to call her and bring her; therefore, I went to her house, and on the way, I found Agatha going to the bathhouse, and I held her so that I could bring her to the church; but she was resisting, and I, according to her parents' order, forcibly brought her to the church. However, I know clearly that Agatha did not have the desire to enter into marriage, and when the priest asked Agatha, "Do you want to enter into marriage with Youn Syek-tiyoun?", her parents repeatedly urged her, saying, "Answer," and Agatha, compelled, did indeed answer, but she entered into marriage through force." Then Agatha, reporting to the judge, recounts how the marriage ceremonies were celebrated. Her words are: "When, having been seized, I entered the church, there were members of the Christian community of Ryen-Hpyeng,

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men and women, numbering about thirty, and they said, "Quickly, come in," and at the same time, they were pushing me towards the altar. Then the priest said to me, "Marriage is not valid unless there is the consent of both parties, and marriage cannot be entered into against the will," and when he asked me, "Do you, according to the rite of the Holy Church, want to serve Matthias Youn as your legitimate husband?", I said, "Whether I want to or not, you must answer." Having heard these words, I opened the back door and fled. Then my father, going out through the front door, struck me with a stick; but other Christian women forbade him, and, urging me on, they compelled me to enter the church again. When I wanted to flee again, weeping, the Christians, holding me with their arms, did not allow me to leave. And when the priest spoke a few words, which I do not know, one of the older Christians answered, "I want to." Then the priest said, "This is not about your marriage; she herself must answer so that the marriage will be valid." And my father said, "You foolish woman, quickly answer," and the Christian women said, "Answer: I want to, I want to." These are the only things I heard, and I thought of nothing else, and, amidst tears and sobs, I do not know what voice I emitted; but after the Mass, I only heard that I had entered into marriage." These things are also confirmed by the witnesses. Let the words of her uncle and father be heard, among others. The uncle said: "At that moment of the marriage, Agatha fled, and the people pursued her and brought her before the altar, but she fled again; then her father struck her with sticks and forced her into the church, and thus the marriage was entered into."

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis. - Commentarium Officiale. "monium". The priest candidly confesses: "At the time of the marriage, she did not want to, but I urged her to enter the church." However, when questioned by the judge as to whether Agatha had consented to the marriage, he replied: "Since that marriage was made from the beginning by force, if she had said anything, she said it, not because she wanted to say it, but because she wanted to avoid the imminent threats and violence." The judge then asked him why he had forced his daughter into the marriage. To this, he replied: "I forced her for the following reasons. If I had wanted to give her to a pagan for marriage, I could have easily done so, because there are many pagans who need a wife, but I, as a Christian, could not act in that way; furthermore, in this region, there were no Christian young men to be married, except for that one, Youn Syek-tiyoun; and moreover, I believed that by providing for Agatha in a better way, I would be promoting her salvation, and in the future, she would live in harmony and have a common life with him, Youn." Furthermore, all the witnesses testify unanimously about this violence and coercion. Anna Ko, who was Agatha's friend since childhood, and who is married to Matthiae Youn, her younger brother, says: "I not only

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know the history of Agatha's marriage clearly, but I also know that Agatha always had a deep aversion to marriage, both before and after it, and at the very moment of the marriage." And she continues: "Considering Agatha's words and tears before the marriage, Agatha's flight and hiding during the marriage, and the vexations and beatings she suffered because she did not go to her husband's house after the marriage, it is undoubtedly clear that Agatha entered into the marriage through violence." Moreover, all the inhabitants of the village say that the marriage was truly not entered into. Ioannes Pak testifies: "I know Agatha, and I also know that she entered into the marriage through violence, and I have also heard from people in Ryen-Hpyeng that Agatha's parents forced their daughter to live with Youn Syek-tiyoun." Ioseph Kang says: "I was a witness to Agatha Ko's marriage to Youn Syek-tiyoun, and I believe that Agatha did not enter into the marriage willingly, but through irresistible coercion and the urging of her parents." Finally, Agatha, when questioned by the judge as to whether she had gone to her husband's house, and taken on household duties, recounts: "The civil ceremonies were performed on February 29, 1908. On that day, when I saw them bringing the litter in which I was to be carried, I secretly fled and hid in another house. But against my will, I was apprehended and placed in the litter, and they took me to the house of the groom, from where I returned to my own house after one hour. I have never taken on any household duties."

[*Latin ed. p. 259*]

Rome, Hearing. 259 "I was treated as a wife, but if that Youn had invited me to do so, or if my parents had requested it, my parents would have been angry, and therefore I could not do otherwise than go to the house of the husband; but either at night I would go to sleep in a nearby house, or I would sleep with my mother; and after one or two days I would return to the house of my parents, and there I would remain until my parents were angry again, then I would go again for one or two days to the house of that Youn, and so I spent my time... I never spoke a word with him; if that Youn ever spoke to me, I gave no reply... And furthermore, when I went to the house of Youn the husband, and I was doing something there, if that Youn entered, then, deliberately, I would stop the work I had begun... My father, rebuking me for not wanting to live in the house of the husband, beat me several times, and when I returned to the house of my parents, I was also beaten several times by that Youn, either with his hand, or with a stick, or with stones, or even by having my hair pulled." All of these things are confirmed by the testimony of several witnesses. The uncle himself testifies that Agatha did not live with Youn Syek, and therefore she was often harassed by him, by her father, and even by himself. Michael Ko also testified that Agatha did not want to live with the man, and continues: "I heard that Agatha had been beaten by her parents, and by her uncle; and

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I also saw those who were holding Agatha's arms and chasing her to beat her; and I also saw Youn Syek beating Agatha and saying, 'I do this because she does not want to live with me.'" The witness Joseph Kang reports more explicitly: "They (Agatha and Youn) did not seem like husband and wife, but rather like enemies; and Agatha was always fleeing and wandering... I saw Agatha suffering injuries from her parents and from her uncle several times, but I did not see her suffering injuries from Youn Syek, but I heard of it several times." Therefore, if any cause can easily be presented to us, it is certainly this one, in which so many and such violent acts were committed by the father, by the uncle, and by others against the girl, in order to force her into marriage; and on the other hand, there was such constancy on the part of the same girl, either before the marriage ceremony, or during the ceremony, or after, against the violence inflicted upon her, that there can be no doubt that she did not give her consent to the marriage; which, even if consent had been given, would not be valid, due to a vitiating impediment. Now, only one thing remains to be answered, which is the difficulty that the defender of the marriage presents, based on certain words spoken by Agatha, which are found in the testimony of that uncle. When the judge asked him whether he thought Agatha was of sound mind, he said, in the manner of...

[*Latin ed. p. 260*]

260 Acta Apostolicae Sedis. - Commentarium Officiale. Concerning the matter of whether the woman, Youn Syek, had given her body to the man, she responded: "I do not know whether such a relationship existed between them, but I know that on one occasion, when I, Agatha, was being apprehended and struck by Youn Syek-tiyoun, I said to him: 'Why do you despise your husband and refuse to have relations with him?'" Agatha replied: "Although I may have had a relationship, I will continue to resist." From these words, the defender of the marriage argues that there must have been a connection between Agatha and Youn. However, in addition to the fact that Agatha, when questioned again about this matter, under oath, denied ever having had any relationship with Youn, she also explained her words differently. Namely: "I have had no relationship with him, but on one occasion, Youn Syek-tiyoun came to my parents' house and said: 'Although you send that foolish woman to my house, she will not stay in the house, but will sleep at night in another house, and thus avoid intimacy.'" Then, my brother, seizing me, said: "Are you going to betray him, Youn Syek-tiyoun, and live with him?" and he beat me; then, I, under duress, replied: "Although I may have had a relationship, I will continue to resist." But I have had no relationship with him. Even on that night, I slept in the house of my aunt, who lives near my parents, and the next day I returned to my parents' house." The fact that Agatha is telling the truth is suggested by her aversion to the man, and further evidence is provided by

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the measures she took to protect herself from Youn's desires. Already in the first interrogation, Agatha stated to the judge: "I have never given my body to him. Once, that Youn wanted to inflict violence upon me, but for some pretext, I returned to my own house. And because Youn, considering this, thought that I would not want to return to his house (if such violence were to occur), he subsequently abstained from all impropriety. If we had had relations, Youn would have boasted about it to all the inhabitants of the town; now, however, everyone knows that we have not had relations." And this is confirmed by several witnesses; especially Anna Ko, who says: "Even just by observing the horror that Agatha had for Youn, one cannot presume that there was such a relationship; and furthermore, Agatha, in order to avoid this relationship, took measures, such as covering herself with so many layers of clothing that no one could touch her body; and this rumor was spread throughout the town." Michael Ko, when asked by the judge, replied: "If they had given each other their bodies, there would have been a rumor about it, but all the people in the town believe that there has been no such exchange of bodies between them." And the father himself, when asked by the judge who questioned him, "Do you think that Agatha, contrary to the custom of wives, gave her body to Youn Syek-tiyoun?" replied: "Considering both the words and the behavior of Agatha, I cannot presume that this happened." Indeed, Youn himself.

[*Latin ed. p. 261*]

The Roman Rota, 261 (with Agatha's uncle as a witness), "recognized her as a stranger, and 'did not consider her as his wife'." Furthermore, even if Agatha had had relations with Youn, a marriage would not have been valid unless she had been placed in the state of marriage, which cannot be presumed, but must be proven. Here, however, not only is this not proven in any way, but the opposite appears. Having carefully considered all of this, both in law and in fact, invoking the Name of Christ, We, the undersigned Auditors of Tournon, sitting for the tribunal and with only God before our eyes, decide, declare, and definitively pronounce that the proposed doubt must be answered: Affirmatively, that is, that there exists a nullity of marriage in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons and especially chapter 3, session XXV, of the Council of Trent, using the executive and coercive means that are more effective and appropriate, according to the circumstances. Rome, on the 16th of January, 1913. Fridericus Cattani, President. Antonius Perathoner. Iosephus Alberti. Sac. Tancredes Tani, Notary.

DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. NEW-PREPARATORY CONGREGATION. On May 27, 1913, in the Apostolic Palace of the Vatican, with the presence of the Most Eminent and

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Reverend Cardinals, and with the votes of the Reverend Prelates Officials and the Theological Consultors, the New-Preparatory Congregation was held to discuss the doubt regarding the heroism of the virtues of the Venerable Servant of God, Benedetta Rencurel, of the Third Order of Saint Dominic.

[*Latin ed. p. 262*]

Acts of the Apostolic See. - Official Commentary. ORDINARY CONGREGATION. On June 3rd, in the Apostolic Palace at the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which, before the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the following matters were presented: 1. The introduction of the cause of beatification and canonization of the Servant of God, Anthony Chevrier, priest of the Archdiocese of Lyon, founder of the institution called "La Providence du Prado" and of the Society of the Priests of Prado; 2. Concerning the examination of the writings of the Servant of God, Ludovica Teresa de Montaignac de Chauvance, foundress of the pious Union of the Oblates of the Sacred Heart of Jesus; 3. And similarly, concerning the examination of the writings of the Venerable Servant of God, John Baptist of Burgundy, professed priest of the Order of the Friars Minor.

SECRETARY OF STATE. APPOINTMENTS. By tickets from the Secretary of State, the Holy Father deigned to appoint: May 24, 1913. - The Most Reverend Cardinal Domenico Ferrata, Protector of the Religious Sisters, Faithful Companions of Jesus. May 26. - The Most Reverend Cardinal Basilio Pompilj, Protector of the Venerable Austro-Hungarian Archiconfraternity of the Most Holy Name of Mary at the Forum Trajanum. - The Most Reverend Cardinal Antonio Vico, Protector of the Institute of the Daughters of Charity of Saint Anne of Saragossa. May 28. - The Most Reverend Monsignor Carlo Pietropaoli, titular Archbishop of Calcide, Extraordinary Envoy to the United States of Venezuela. By Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: February 15, 1913. - Monsignor Amedeo Gosselin, Superior of the Grand Seminary and Rector of the University of Laval in Québec. May 21. - Monsignor Arturo Alfonso Cherrier, Dean of Studies of the University of Manitoba, in the Diocese of Saint Boniface.

[*Latin ed. p. 263*]

Diary of the Roman Curia. 263 Domestic Prelates of His Holiness: February 14, 1913. — Monsignor Francesco Saverio Gosselin, of the archdiocese of Québec. May 15. — Monsignor Giovanni Nepomuceno Hauser, of the diocese of Linz. May 16. — Monsignor Everardo de Ortemburg-Tambach, of the archdiocese of Vienne. May 18 — Monsignor Giovanni Garland, of the archdiocese of Dubuque. May 22. — Monsignor Giovanni Battista Pelt, general vicar of the diocese of Metz. May 24. —

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Monsignor Giorgio Poole, of the diocese of Plymouth. With tickets from the Secretariat of State, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: May 16, 1913. — Monsignor Martino Andrea van Zanten, of the diocese of Harlem. May 21 — Monsignor Alberto de Hormann, of the diocese of Bressanone. — Monsignor Giuseppe Häusle, of the same diocese. — Monsignor Enrico de Schmuck, of the same diocese. May 24. — Monsignor Luigi Scarano, of the diocese of Trivento. — Monsignor Martino Fencl, of the diocese of Budweis. May 26. — Monsignor Emanuele Giorgio da Fonseca, vice-rector of the Portuguese college in Rome. May 29. — Monsignor Enrico Gasparri, auditor of the nunciature of the first class. To Honorary Chamberlains in peacock blue attire of His Holiness: March 14, 1913. — Monsignor Ladislao Babura, of the archdiocese of Strigonia. May 24. — Monsignor Gennaro Gianico, of the diocese of Trivento. May 28. — Monsignor Giovanni Gnidovec, of the diocese of Lubiana. Honorary Secret Chaplain of His Holiness: March 31, 1913. — Monsignor Ruperto Rohrmoser of the archdiocese of Salisburgo. Honorary Chaplains beyond the city of His Holiness: May 8, 1913. — Monsignor Bonifacio Tolli, of the diocese of Bovino. May 16. — Monsignor Francesco Galli, of the archdiocese of Cosenza. May 23. — Monsignor Francesco Gnavi, of the diocese of Ivrea. Honorary Chamberlain of Sword and Mantle, extraordinary, of His Holiness: May 28, 1913. — Mr. Camillo Couillault, of the archdiocese of Sens.

[*Latin ed. p. 264*]

264 Acta Apostolicae Sedis. - Official Commentary. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: May 18, 1913. — To the Most Noble Marquess Carlo Enrico Maria de Bardeau. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: May 6, 1913. — To Mr. Paolo Hemelryk, president of the Society of Saint Vincent de Paul of the Archdiocese of Liverpool. The Commander's Cross of the Order of Saint Gregory the Great, civil class: February 12, 1913. — To Mr. Alfonso Desjardins, of the Archdiocese of Québec. May 20. — To Mr. Knight Giovanni Mac Grane, of the Diocese of Richmond (United States of America). May 21. — To Mr. Count Pietro de Cosse Brissac, of the Archdiocese of Paris. The Knighthood of the Order of Saint Gregory the Great, civil class: February 11, 1913. — To Mr. Pietro Enrico Garneau, of the same Archdiocese. — To Mr. Giuseppe Alfonso Couture, of the same Archdiocese. May 7. — To Mr. Francesco Schumacher, aulic counselor and president of the Imperial Royal District Tribunal of Trento. May 17. — To Mr. Daniele Giacomo Luigi Perucic, of the Diocese of Cattaro. May 22. — To Mr. Francesco Stuehlen, of the Archdiocese of KolÃn. The Knighthood of the Order of Saint Sylvester the Pope: May 8, 1913. — To Mr. Giuliano Cauli, of the Diocese of Volterra. NECROLOGY. May 21, 1913. — Most Reverend

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James Corna-Pellegrini, Bishop of Brzesc.

[*Latin ed. p. 265*]

Year V. - Volume V. June 26, 1913. No. 10, OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. PAPAL ACTS. I. THE APOSTOLIC PREFECTURE OF RAJPUTANA IN EASTERN INDIA IS ERECTED INTO A DIOCESE, TO BE CALLED THE DIOCESE OF "AIMER." POPE PIUS X. For the perpetual memory of this event. — That command which our Savior gave to the Apostles, saying, "Going therefore, teach ye all nations," compels Us to diligently strive for those things which appear most fitting for the propagation and increase of the Catholic Faith. From the year 1859, by decree of the Apostolic See, the Apostolic Prefecture of Rajputana was established in Eastern India, in the ecclesiastical province of Agra, for the spiritual benefit of the faithful of that region, and entrusted to the care of the Brothers Minor of the Order of St. Francis of Assisi. Now, since, having observed the happy progress of religion already made in that Prefecture, it has seemed opportune to erect the same Prefecture into a Diocese, in the hope of greater future growth; We, after consulting with Our Most Reverend and Venerable Brothers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, decree, establish, and command the following: Therefore, by Our own initiative and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic authority, We erect the Apostolic Prefecture of Rajputana into a Diocese, with the same boundaries within which the former Prefecture was contained. The new Diocese will have its seat at...

[*Latin ed. p. 266*]

Acts of the Apostolic See. - Official Commentary. We establish the city of Aimer; and we wish that this city, which will be the seat of the new diocese of Aimer, be called Aimerensi. Finally, we decree that this diocese shall be under the jurisdiction of the Metropolitan of Agraënsis. These present Letters shall always remain valid and effective; and shall have their full and complete effect; and those to whom they pertain shall fully support them, now and in the future; and it shall be rightly judged and defined, and shall become void and null if anything whatsoever should be attempted against them, knowingly or unknowingly, by anyone with any authority whatsoever. Notwithstanding Our own and the regulations of the Apostolic Chancery regarding matters of law, and other Apostolic Constitutions and Ordinances, even those deserving of special and individual mention and derogation, and all other things to the contrary, whatever they may be. Given in Rome, at St. Peter's, on the twenty-second day of May, in the year 1837, in the tenth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State. II. ERECTION OF THE ECCLESIASTICAL PROVINCE OF SIMLA IN INDIA ORIENTALIS. PIUS PP. X. For the

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perpetual memory of this matter. — That those things which are conducive to the glory of the Catholic name and to the eternal salvation of the faithful may proceed well, prosperously, and happily, We are reminded by the supreme office of the Apostolate, which We exercise on earth, although undeservedly. Indeed, We, in order to promote the growth of religion and the good of souls in India Orientalis, have erected a new archdiocese in that vast region, namely the archdiocese of Simla, in the year 1910; and We have deferred the designation of the suffragan sees. But now, since it seems opportune to erect a new ecclesiastical province there, We, after consulting with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, deem it fitting to assign suffragan sees to the archdiocese of Simla. Therefore, with Our own motion and with certain knowledge and mature deliberation, by the fullness of Our Apostolic power, by the force of the present document, and perpetually, We establish a new ecclesiastical province in India Orientalis; and We wish that it consist of the archdiocese of Simla as its metropolitan.

[*Latin ed. p. 267*]

The acts of Pope Pius X, pertaining to the diocese of Lahore, and to the apostolic prefectures of Kafiristan and Cashmire. These matters, we decree, and these present letters shall always remain firm, valid, and efficacious, and shall fully and completely produce and obtain their effects, and shall fully suffice for those to whom they pertain, now and in the future. And it shall be rightly judged and defined that, if anything contrary to these should occur, through the action of anyone, with any authority whatsoever, knowingly or unknowingly, it shall be declared void and of no effect. Notwithstanding any apostolic constitutions and sanctions, and all other things whatsoever that may be to the contrary. Given at Rome, near St. Peter, under the Fisherman's ring, on the twentieth day of May, in the year 1837, in the tenth year of Our pontificate. R. L. CARD. MERRY DEL VAL, Secretary of State.

LETTERS.

I. TO THE MOST REVEREND CARDINAL MERCIER, ARCHBISHOP OF MECHLIN, ON THE OCCASION OF THE FIFTIE anniversary of the founding of the College of St. Rumold.

Beloved Son, greetings and apostolic blessing. — We have learned with pleasure that you have announced the fervent studies of recent and former students, as they celebrate the fiftieth anniversary of the founding of the College of St. Rumold. For indeed, the studies of such a nature that We have seen are a testament to the fact that those same students gladly recall the exact, holy, and virtuous youth they spent there, and the benefits of the instruction they received, which they hold in their hearts. And they are rightly so. For if all those who have been educated there diligently flourish in their own sphere, and are esteemed for their virtue, and if many

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of them, called to higher things, have served the Church and the state with counsel, prudence, doctrine, and active charity, it is fitting that they should give the greatest credit to those who taught them in their youth, and who prepared them for every duty. And indeed, anyone who considers this will plainly see how much benefit is brought to the republic by a school that is thoroughly informed and dominated by religion, and how fruitfully it is distributed by the Church as an aid and companion. May the ceremonies that are about to take place be blessed and successful, and may they contribute to the enhancement of the College's reputation, and to its greater...

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis. - Official Commentary. they may contribute as much as possible. As for us, we certainly believe that we have contributed in no small measure to the same goal as you, our beloved Son, formerly a student of the College itself, in bringing you to this archiepiscopal See and honoring you with the purple. We certainly hope that, under your guidance, the College of St. Rum may experience ever greater growth. That this may come to pass with God's help, we impart to you, our beloved Son, as a pledge of our benevolence and as a means of obtaining heavenly assistance, our apostolic blessing, to you, our beloved Son, to those assembled for these solemn occasions, to the moderators and professors of the College, and finally to all the students, in the Lord. Given in Rome, near St. Peter's, on the third of May, 1913, in the tenth year of our pontificate. PIUS PP. X. TO THE MOST REVEREND CARDINAL BOSCHI, ARCHBISHOP OF FERRARA, BISHOP OF COMACCHIO, AND TO OTHER ARCHBISHOPS AND BISHOPS OF THE REGION OF FLAMINIA, GATHERED RECENTLY IN BONONIA. Beloved Sons and Venerable Brothers, greetings and our apostolic blessing. — You recently convened in Bononia and sent us letters full of love and obedience. We have appreciated, beloved Sons and Venerable Brothers, the expression of your piety towards us, and we have accepted with gratitude the prayers offered on our behalf for our good health. May God grant that the time of life that He has graciously extended to us may be devoted to the benefit of the Church. This is our wish: this alone, namely, the good of the Church, concerns us. We greatly desire that the Catholic celebrations which you mentioned, held sixteen centuries ago for the peace of the Church, may be observed everywhere in such a way as to draw the faithful closer to the bosom of the Church itself, and to make them more eager to defend and promote its rights. We have already expressed our will in this regard, and with the same purpose, we have wished that the treasures of the Church be made more widely available to all during this entire year of devotion. And may all receive the maternal voice of the Church and, through the abundance of indulgences offered, be led to repentance, to which she invites! May our apostolic blessing, a pledge of divine graces and a witness of our benevolence, be with you,

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beloved Sons and Venerable Brothers.

[*Latin ed. p. 269*]

From the Acts of Pope Pius X, 269: To the Brothers, and to each of your flocks, we impart our paternal affection in the Lord. Given in Rome, at St. Peter's, on the twenty-second of May, in the tenth year of Our Pontificate. PIUS PP. X. To the Most Reverend Father Bernard Herrera Restrepo, Archbishop of Bogota. Concerning the Eucharistic Congress to be held in Bogota, Colombia, next September. Venerable Brother, greetings and the Apostolic Blessing. – The assembly of Bishops of Colombia has decreed the holding of a Eucharistic Congress in this, the capital city of the Republic, next September, and at the same time, the zeal of pastors and the devotion of the faithful are already growing to the greatest possible extent, so that it may be celebrated with the utmost splendor. It is easy for you to understand, Venerable Brother, with what joy We received this news, since, as you know, We are consumed by the desire that the hearts of Catholics be renewed in love and devotion to the august Sacrament. We have never seen the Christian virtues flourish among the people, unless the charity of Christ is increased in all things, and unless the Christian life is sustained by those supports of which the Eucharist is the source and the head. Therefore, We are particularly interested in the plans of the Bishops of Colombia, namely, how they intend to provide better for the promotion and encouragement of the devotion to the Eucharist and its more frequent use. These things, Venerable Brother, We wish to commend to you above all, and to the other Bishops of Colombia; yet We know very well that they need no urging from Us, for We recognize them as devoted to their flock and diligent in the performance of their duties. In order that these Eucharistic celebrations may bring greater hope to the Colombian people, and with our most benevolent approval, We grant the faculty that, during the sacred time of the Congress, the Blessed Sacrament may be exposed for public veneration to the faithful, day and night, in the Basilica of Bogota; and also that private Masses may be celebrated at early morning hours, or, if necessary, even before the dawn. And that nothing may be lacking which would be pleasing to all and would contribute to the splendor of the Congress, We gladly grant to you, Venerable Brother, or to another Bishop designated by you, the power to solemnly impart the Papal Blessing to the people on the last day of the Congress, with a plenary indulgence granted to those who, having duly confessed and received absolution, shall have assisted at the prayers offered at the altar.

[*Latin ed. p. 270*]

270 Acta Apostolicae Sedis. - Official Commentary. May they apply these things with devotion to God. And these are testimonies of Our charity to the Catholics of Colombia. May the apostolic blessing of divine graces be

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upon you, venerable Brother, and upon the other Bishops of Colombia, and upon all Catholics, and especially upon the assembly of men and women who are preparing for this gathering, which We impart to you wholeheartedly in the Lord. Given in Rome, at St. Peter's, on the thirtieth day of May, in the tenth year of Our Pontificate. PIUS PP. X.

TO THE MOST REVEREND FATHER JAMES CARDONA Y TUR, BISHOP TITULAR OF SION, UPON THE RECENT CELEBRATION OF THE FIFTIE Anniversary of his priesthood. Venerable Brother, greetings and the apostolic blessing.

Even before the anniversary of your priesthood, We have embraced you with paternal charity, and We have granted you the faculty of imparting the Papal Blessing to the people on the days of celebration. We now wish to add a new expression of benevolence to this, which We communicate to you in these letters, both as congratulations and as expressions of good wishes, with which We sincerely rejoice in your joy as you begin the fiftieth year of your priesthood. May He be with you to whom you have served for so many years, and may the benevolent increase of years grant you new opportunities, so that you may hope for a more abundant reward in eternal life, and may He abundantly bestow upon you joy in the remembrance and commemoration of your completed priesthood.

That this may come to pass, We earnestly pray for the strength of heavenly assistance, and We impart to you, most beloved in the Lord, the apostolic blessing, as a testament of Our affection. Given in Rome, at St. Peter's, on the twenty-fifth day of May, in the tenth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 271*]

SUPREME SACRED CONGREGATION OF THE HOLY OFFICE. 271. SUPREME SACRED CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES). DECREE. To Saint Vincent Ferrer, prayers are granted for obtaining, from God, a holy exit from this life, an indulgence of three hundred days. Dated 5 June 1913. Our Most Holy Father, Pope Pius, of blessed memory, Pope Pius X, having been informed in audience by the Most Reverend Prelate, Assistant of the Holy Office, deigned benignly to grant that the faithful, reciting, with at least a contrite heart, the prayers composed by Saint Vincent Ferrer, for obtaining, from God, a holy exit from this life, may gain an indulgence of three hundred days, once a day, which, if they so desire, they may apply to the souls also suffering in Purgatory. This present decree is valid forever, without any brief being required. In contradiction to anything to the contrary notwithstanding. M. CARD. RAMPOLLA. L. © S. •f D. Archbishop of Seleucia, Assistant of the Holy Office. PRAYERS. Have mercy on me, O God: and hear my prayer (Psalm 4, verse 1). Have mercy on me, O Lord, for I am sick: heal me, O Lord, for my bones are troubled (Psalm 6, verse

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2). Have mercy on me, O Lord: behold my humility because of my enemies (Psalm 9, verse 13). Have mercy on me, O God, for I am troubled: my eye and my stomach are troubled by anger (Psalm 30, verse 9). Have mercy on me, O God: according to thy great mercy (Psalm 50, verse 1). Have mercy on me, O God, have mercy on me: for my soul trusts in you (Psalm 51, verse 1).

[*Latin ed. p. 272*]

272 Acta Apostolicae Sedis. - Commentarium Officiale. Miserere me, Domine, quoniam ad te clamavi tota die: laetifica animam servi tui, quoniam ad te, Domine, animam meam levavi (Psalm 85, verse 3). Miserere nostri, Domine, miserere nostri: quia multum sumus repleti despectione (Psalm 122, verse 4). Gloria Patri, et Filio, et Spiritui Sancto: Sicut erat in principio, et nunc, et semper, et in saecula saeculorum. Amen. OREMUS. Domine Iesu Christe, qui neminem vis perire, et cui numquam sine spe misericordiae supplicatur, nam tu dixisti ore sancto tuo et benedicto, omnia quaecumque petieritis in nomine meo, fient vobis; peto a te, Domine, propter nomen sanctum tuum, ut in articulo mortis meae des mihi integritatem sensus cum loquela, vehementem contritionem de peccatis meis, veram fidem, spem ordinatam, caritatem perfectam, ut tibi puro corde dicere valeam: In manus tuas, Domine, commendo spiritum meum; redemisti me, Deus veritatis, qui es benedictus in saecula saeculorum. Amen. SACRA CONGREGATIO CONSISTORIALIS VERAPOLITANA. DUBIA CIRCA IURAMENTUM ANTIMODERNISTICUM. Ordinarius Verapolitanus ad oras Malabaricas in Asia ultimis temporibus ad hanc sacram Congregationem Consistorialem proposuit sequentia dubia circa iuramentum antimodernisticum, nempe: I. An Ordinarius in casu concedere possit sacerdotibus extradioecesanis latini ritus, a suis Ordinariis pro sua respectiva dioecesi iam adprobatis, facultatem audiendi confessiones sive pro una alterave vice sive ad aliquod plus minusve longum temporis spatium, quin cogatur ab eis denuo excipere iusiurandum praescriptum in Motu Proprio Sacrorum Antistitum contra modernistarumerrores; II. An idem possit Ordinarius, si agatur de sacerdotibus ritus syromalabarici, qui, etiamsi in suo ritu adprobati fuerint ad confessiones, numquamtamen dictum iusiurandum praestiterunt.

TRANSLATION:

272 Acta Apostolicae Sedis. - Official Commentary. Have mercy on me, O God, for I have cried to you all day long: refresh the soul of your servant, for to you, O Lord, I have lifted up my soul (Psalm 85, verse 3). Have mercy on us, O Lord, have mercy on us: for we are greatly filled with contempt (Psalm 122, verse 4). Glory to the Father, and to the Son, and to the Holy Spirit: as it was in the beginning, so now, and ever, and world without end. Amen. LET US PRAY. O Jesus Christ, who will not that anyone should perish, and to whom mercy is never without hope, for

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you said with your holy and blessed mouth, "Whatever you ask for in my name, I will do it for you"; I ask you, O Lord, for the sake of your holy name, that at the hour of my death, you grant me soundness of mind and speech, vehement contrition for my sins, true faith, ordered hope, perfect charity, that I may be able to say to you with a pure heart: Into your hands I commend my spirit; you have redeemed me, O God of truth, who are blessed forever. Amen. SACRED CONSISTORIAL CONGREGATION OF VERAPOLY. DOUBTS CONCERNING THE ANTI-MODERNIST OATH. The Ordinary of Verapoly, located near the Malabar Coast in Asia, has recently presented the following doubts concerning the anti-modernist oath to this Sacred Consistorial Congregation, namely: I. Can the Ordinary, in a given case, grant to priests of the Latin rite, who have already been approved by their own Ordinaries for their respective dioceses, the faculty to hear confessions, whether for a single or multiple occasions, or for a longer period of time, without requiring them to once again take the oath prescribed in the Motu Proprio of the Holy Fathers against the errors of Modernism; II. Can the same Ordinary, if the matter concerns priests of the Syro-Malabar rite, who, even if approved in their own rite for hearing confessions, nevertheless take said oath?

[*Latin ed. p. 273*]

Sacred Congregation of Councils. 273 Furthermore, after mature consideration, the Fathers of this Sacred Congregation, in a plenary session on April 10, 1913, responded to the proposed questions as follows: To question I, affirmatively; to question II, if it concerns the granting of a faculty by means of a temporary act, affirmatively; otherwise, negatively. However, Our Most Holy Father, the Pope, on May 2, 1913, deigned to ratify and confirm the resolution of the Fathers, and ordered that it be made publicly known. In Rome, from the offices of the Sacred Congregation of Councils, on June 20, 1913. C. CARD. DE LAI, Secretary. L.©S. John Baptist Rosa, Substitute.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH.

I. DECREE.

A NEW APOSTOLIC PREFECTURE OF BETAFO IS ESTABLISHED ON THE ISLAND OF MADAGASCAR.

In order that the propagation of the Christian name and the eternal salvation of the faithful on the island of Madagascar might be better promoted, it was deemed fitting to separate a portion of the territory from the apostolic vicariate of Madagascar Central, and to erect it into an apostolic prefecture. Therefore, the Fathers of this Sacred Congregation, in a ple-

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nary session held on March 10 of the current year, decided to establish an apostolic prefecture, to be called Betafo, from the territory separated from the aforementioned apostolic vicariate of Madagascar Central, with the following boundaries: to the north, at latitude 19 degrees south, bordering the province of Mozambique; to the east, towards the province of Itasy; then, with the southern boundaries of the same province, up to the river Kitsamby; then, with the northern and eastern boundaries of the civil district of Faratsiho, up to the altitude of the city of the same name; from that line, a line is drawn to the western boundaries of the province of Yatomandri; to the east, with the aforementioned boundaries of the province of Yatomandri, up to 20 degrees of latitude; to the south,

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis. - Official Commentary. concerning the vicariate apostolic of Fianarantsoa; extending from the nineteenth to the twentieth degree of latitude west of the Mozambican Sea. Furthermore, the same Fathers determined that a new apostolic prefecture, to be called Betafo, should be established, under the care of the Missionaries of Salette. After a report on this matter was presented to His Most Holy Lordship, Pope Pius X, of blessed memory, on May 7th, the same Holiness received and confirmed the judgment of the Fathers in all things, and ordered that the present Decree be drawn up accordingly. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on May 15th, in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. C. Laurenti, Secretary.

II. DECREE.

CONCERNING THE CHANGING OF THE NAMES OF THE APOSTOLIC VICARIATES EXISTING ON THE ISLAND OF MADAGASCAR.

Since, in the general meetings held on March 10th of the present year, the Most Reverend Fathers of this Holy Congregation for the Propagation of the Faith had established a new apostolic vicariate of Fianarantsoa, and an apostolic prefecture of Betafo, on the island of Madagascar, in order that the existing apostolic vicariates on the same island might be more clearly distinguished by their own names, it seemed opportune to give the same names to the cities in which the respective apostolic vicariates are located. Therefore, the same Most Reverend Fathers decreed that the apostolic vicariate of Madagascar, formerly known as the Northern Vicariate, should henceforth be called the apostolic vicariate of Diego Suarez; the apostolic vicariate of Madagascar, formerly known as the Central Vicariate, should be called the apostolic vicariate of Tananarive; and finally, the apostolic vicariate of Madagascar, formerly known as the Southern Vicariate, should be called the apostolic vicariate of Fort-Dauphin. After

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a report on this matter was presented to His Most Holy Lordship, Pope Pius X, of blessed memory, on May 7th, the same Holiness received and confirmed the judgment of the Fathers in all things, and ordered that the present Decree be drawn up accordingly. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on May 20th, in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. C. Laurenti, Secretary.

[*Latin ed. p. 275*]

Sacred Congregation of the Propagation of the Faith. 275 III. DECREE. THE ARCHIPELAGO OF SPITZBERG IS INCORPORATED INTO THE APOSTOLIC VICARIATE OF NORWAY. The northern islands, commonly known as the archipelago of Spitzberg, which in past times were either uninhabited or were considered uninhabitable, in recent years have been frequented by a growing number of people from all places, especially from Russia, Denmark, Sweden, and most of all from Norway, either out of a desire for travel or for fishing or hunting, or more often compelled by the trade in minerals which are found in abundance within those islands; indeed, not a few have established a permanent home for themselves and their families in that very archipelago. In order that some provision might be made for the spiritual needs of Catholics arriving there or residing there, and also that the proclamation of the Gospel of Christ might be made in those regions, even so remote, the Most Eminent Fathers of this Sacred Congregation, at a general meeting held on May 26th, having carefully examined the reports recently submitted to this Sacred Congregation by the Reverend Father D. John Baptist Eallize, Apostolic Vicar of Norway, concerning the spiritual, political, and economic conditions of those regions, deigned to consider the matter. After mature deliberation on all things, and after attentive consideration of the opinions expressed by the esteemed Apostolic Vicar of Norway, and also by the Reverend Father D. Albert Bitter, Apostolic Vicar of Sweden, presented to this same Sacred Congregation, they unanimously decided: that the archipelago commonly known as Spitzberg should be incorporated into the Apostolic Vicariate of Norway, as an integral part of that same vicariate, which shall henceforth be called the Apostolic Vicariate of Norway and Spitzberg. The judgment of these Most Eminent Fathers, reported in audience on the 26th of the same month by the undersigned Secretary of this Sacred Congregation, His Most Holy Eminence, the Most Reverend Father Pius, Prefect, X, deigned to approve and confirm in all respects, and ordered that the present Decree be issued. Given at Rome, from the offices of the Sacred Congregation of the Propagation of the Faith, on the 1st of June, in the year of Our Lord 1913. Fr. H. M. CARD. GOTTI, Prefect. C. LAURENTI,

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Secretary.

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis. - Official Commentary. IV. APPOINTMENTS OF BISHOPS. The following were appointed by Apostolic Briefs: May 22, 1913. — The first bishop of the new diocese of Ajmer in Eastern India, Reverend Father Fortunatus Turone, in the world Henry Caumont, a priest of the Order of the Capuchin Minor Brothers. June 2. — Bishop titular of the church of Gerrha and Apostolic Vicar of Laos, Reverend Father Constant John Baptist Prodhomme, a graduate of the Parisian Seminary for Foreign Missions. June 3. — Bishop titular of the church of Jonopolis, Reverend Father Henry Doulcet, transferred from the church of Nicopolis. V. APPOINTMENT OF APOSTOLIC PROPREFET. The following was appointed by decree of the Sacred Congregation for the Propagation of the Faith: May 30, 1913. — Apostolic Prefect of Bar-el Gazai in Central Africa, Reverend Father Anthony Stoppani, from the Veronese Institute of the Sons of the Most Sacred Heart of Jesus. S. CONGREGATION DECREE. Tuesday, June 16, 1913. The Sacred Congregation of the Most Eminent and Reverend Cardinals of the Holy Roman Church, by the most holy Pope Pius X and the Holy Apostolic See, concerning the Index of books of corrupt doctrine, and their condemnation, suppression, purification, and permission throughout the Christian republic, having convened in the palace.

[*Latin ed. p. 277*]

Sacred Congregation of the Index. On the apostolic day of the Vatican, the 16th of June, in the year 1913, it condemned and condemns, it excommunicates and excommunicates, and it ordered that the following works be referred to the Index of Prohibited Books, and it orders that they be so referred: *Lotte umane; romanzo di vita russa*. Rome, 1911. SEBASTIAN MERKLE, *Vergangenheit und Gegenwart der katholischtheologischen Fakultäten* («Academic Bundschau», Leipzig, October and November, 1912). L. LABERTHONNIÈRE, *Sur le chemin du catholicisme*. Paris. — *Le témoignage des martyrs*. Ibid., 1912. STEPHEN COUBÉ, *Ames juives*. Paris, without date, 1913. M. D. PETRE, *Autobiography and Life of George Tyrrell*. London, 1912. H. A. VAN DALSUM, *Er is geene tegenstelling tuschen de beginselen van de fransche Bevolutie en die van het Evangelie*. 'S-Gravenhage, 1912. Therefore, no one, of whatever rank and condition, may dare to publish or print, or to read or retain, the aforementioned works, wherever and in whatever language, under the penalties indicated in the Index of Prohibited Books. These matters having been reported to the Most Holy Lord, our Pope Pius X, through me, the undersigned Secretary, His Holiness approved the Decree, and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on the 17th of June,

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1913. F. R. CARD. DELLA VOLPE, Prefect. Thomas Esser, O. P., Secretary. IL Henricus Brémond, having commendably submitted to the Decree of this Sacred Congregation, by which the book written by him was noted and inserted into the Index of Prohibited Books. In witness whereof, etc. Thomas Esser, O. P., Secretary.

[*Latin ed. p. 278*]

278 SACRED CONGREGATION FOR THE RITES. I. DECREE REGARDING THE APPROVAL OF A NEW EDITION OF THE ROMAN MARTYROLOGY. The Most Holy Pope Pius X, with His supreme authority, has approved and declared the present Vatican edition of the Roman Martyrology, which has been revised and examined by the Sacred Congregation for the Rites; and He has decreed that all new editions of the same Martyrology shall conform to this in all respects. Notwithstanding any contrary provisions. Given on April 23, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. i& S. fPetrus La Fontaine, Bishop of Charystien, Secretary. II. DECREE CONCERNING CHANGES TO BE MADE IN THE ROMAN BREVIARY, IN ACCORDANCE WITH THE APOSTOLIC CONSTITUTION "DIVINO AFFLATU." By Decree of the Sacred Congregation of the City and the World, dated January 23, 1912, it was ordered that a fascicle be added to the Roman Breviaries and Missals already published and still existing with the printers, according to the Vatican prototype approved, with the title "Changes to be Made in the Roman Breviary and Missal, etc.," so that the copies of both liturgical texts already printed would not become useless. However, since the same Sacred Congregation has judged that all other changes, in accordance with the Apostolic Constitution *Divino afflatu* and the Decrees, concerning both the Breviary and the Missal, should be added and inserted in their respective places, not merely as an appendix, but in their proper locations; meanwhile, with the support of a special liturgical Commission, these changes, pertaining only to the Breviary, have been distinctly and orderly arranged and...

[*Latin ed. p. 279*]

The Holy Congregation of Rites, having submitted the collections for the approval of the Most Holy Lord Pope Pius X, has decreed. Furthermore, His Holiness, upon the recommendation of the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, has deigned to ratify and approve these same changes, as they appear in the new prototype, and has ordered that they be duly inserted in the future editions of the Roman Breviary in their respective places. Nevertheless, the same Holiness has benignly granted permission that the Roman Breviary editions hitherto printed may still be lawfully acquired and used; provided that those who use them observe the norms prescribed for performing the canonical hours in the Constitution *Divino afflatu* and other dispositions of the Apostolic See. Con-

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trary things notwithstanding. June 11, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. % S. fPetrus La Fontaine, Bishop of Charystien, Secretary.

SACRED APOSTOLIC DECREE OF THE PENITENTIARY CONGREGATION CONCERNING THE JUBILEE. A question was recently presented to this Sacred Penitentiary: "Whether the Jubilee, proclaimed by the Apostolic Letter *Magni fausti eventus*, dated March 8 of this year, can be obtained multiple times, if the prescribed works are repeated." After mature deliberation, the same Sacred Penitentiary, by order of the Most Holy Pope Pius X, decreed to answer the question proposed, as has been declared on previous occasions concerning former Jubilees, namely: That the aforementioned Jubilee, with regard to the plenary indulgence, can be obtained twice or more times, by repeating the prescribed works twice or more times; but once only, that is, only the first time, with regard to the other benefits, namely, absolutions from censures and from reserved cases, commutations or dispensations. Given in Rome, in the Sacred Penitentiary, on June 6, 1913. S. CARD. VANNUTELLI, Major Penitentiary. I. Palica, S. P. Secretary.

[*Latin ed. p. 280*]

Acta Apostolicae Sedis. - Official Commentary. 280 SACRED ROMAN ROTA. DEFAMATION. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on the fifth day of May in the year 1913, the Most Reverend Fathers, Doctors Seraphinus Many, Ponens, Franciscus Heiner, and Ioannes Prior, Auditors in the case of Treves. - Defamation, between Mr. Neuerburg, director of the periodical "Petrus Blätter," represented by the procurator Angelus d'Alessandri, advocate, and the Reverend Froberger, represented by the procurator Vincentius Sacconi, advocate, in the appeal presented by the aforementioned Mr. Neuerburg against the sentence of the Roman Tribunal of Treves, rendered the following judgment. In the periodical of Treves, entitled "Petrus Blätter," a writer reported, or rather, copied from another periodical, certain words against the Reverend Father Froberger, which appeared to him to be injurious or defamatory, because it seemed to suggest that the priest was a modernist or semi-modernist; therefore, this priest brought a lawsuit against the periodical of Treves in the Tribunal of Treves, requesting that the periodical be compelled to retract the injurious statements, and, if the judge deemed it appropriate, that a penalty or fine be imposed and applied to pious works. Indeed, the judge of Treves, without holding a formal trial, because he considered the matter to be self-evident, rendered a judgment in which he ordered the periodical to retract the injurious statements, and imposed a fine of one hundred marks, to be applied to pious works of the diocese. This judgment greatly displeased the editors of the periodical, who therefore appealed against it to the Sacred Rota, and also brought a complaint of nullity against the judgment itself. Therefore,

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in the Sacred Rota, three questions were agreed upon, as follows: I. Does a case of nullity of the judgment of Treves exist? II. Does a case of defamation exist in this matter? III. And, assuming an affirmative answer to question II, how should the matter be handled in the case of Treves? Therefore, the first question arises: Does a case of nullity of the judgment of Treves exist? To this question, the Lords responded: Affirmative. In order that all of this may be understood, it must be said that in the Sacred Rota, only three grounds for nullity are admitted, namely, a lack of jurisdiction (or competence), a lack of...

[*Latin ed. p. 281*]

The Sacred Roman Rota. 281 data, citationis. The first to enact this law concerning the Sacred Rota was Pope Pius IV, in his Constitution *In throno iustitiae*, dated December 27, 1561, § 13, where, speaking of the Sacred Rota, he states: "Henceforth, even in pending cases, certain nullities shall not be considered, except those arising from a lack of jurisdiction, citation, or mandate, unless a nullity is specifically found to exist before the present parties." Pope Paul V renewed this law in his Constitution *Universi agri* (concerning the reform of all the tribunals of the City), dated March 1, 1612, § 5, *De Auditorio Rotae*, n. 19, using these words taken from the Bull of Pius IV: "Furthermore, certain nullities shall not be considered in cases, except those arising from a lack of jurisdiction, citation, or mandate." The Collections of its decisions bear witness to the Sacred Rota adhering to these precepts; for example, in the Collection of Recent Decisions, decree 36, n. 2, p. 10; decree 416, n. 17, p. 16; decree 89, n. 1, p. 18, Vol. 1; decree 499, n. 1, p. 18, Vol. 2; decree 237, n. 28, p. 19, Vol. 1. This is also asserted by Lucca, in *De iudiciis*, discourse 38, n. 22 (cf. also ibid., discourse 31, n. 43), whom that most learned canonist highly praises. Furthermore, no Pope has ever suppressed this law and the related use of the Sacred Rota; indeed, Clement XIII confirmed all the uses, style, and faculties of the Sacred Rota, to the extent necessary, and added new apostolic strength to them, in his Constitution *Ex parte*, dated September 30, 1760, § 6, and in another Constitution, *Etsi iustitiae*, dated August 6, 1762, § 5. And likewise, Pope Pius VII, in his Motu Proprio dated July 6, 1816, § 47, confirmed all such uses of the Sacred Rota with these words: "The Tribunal of the Rota... will continue to proceed in its judgments, with the same methods and with the same form, as it has proceeded in the past and proceeds presently, both in secular cases and in ecclesiastical cases, and both in cases pertaining to the State and in foreign cases." Pope Gregory XVI, in his Legislative and Judicial Regulations, dated November 10, 1835, added, for the Roman tribunals, three other nullities, which are subject to prescription after three days (cf. §§ 778-780); but since this code is only valid for the Pontifical State, as expressly stated by Gregory in the preface of the code, § E, it cannot apply to the Rota, as it was when Pope Pius IV enacted the aforementioned

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law, and as it was restored by Pope Pius X in his Constitution *Sapienti consilio*; indeed, since for a long time the Pontifical State has ceased to exist in fact, the aforementioned code has also ceased to exist in fact, and therefore, with regard to nullities, only the aforementioned general law remains, and the related use of the Sacred Rota. It is therefore established that only three nullities are admitted in the Sacred Rota: those arising from a lack of competence, mandate, and citation. However, it must be carefully noted that, according to this law enacted by Pope Pius IV, it cannot be said that the nullities ACTA, Vol. V, n. 10. — June 26, 1913, have been abolished.

[*Latin ed. p. 282*]

282 Acta Apostolicae Sedis. - Official Commentary. substantial, or those pertaining to natural law. For the purpose which Pope Pius IV set before himself in enacting this law was to shorten legal proceedings, by eliminating useless delays and obstacles; as he clearly states in the preamble to his Constitution, *In throno iustitiae*: "So that to all nations subject to the Apostolic See... that lengthy *curricula* of judgments, arising from recurring disputes and controversies among them, may be eliminated, and that due consideration may be given to the needs of the parties in a more timely manner"; and in § 1: "...We have deemed it necessary to provide for certain matters, in order to abbreviate legal proceedings, and to avoid or at least reduce the expenses of the parties..." Therefore, it is clear that Pope Pius IV eliminated only those formalities that concerned the solemnity of judgments or an unnecessary abundance of procedures, but not those that are necessary by natural law, and therefore can be called substantial; otherwise, Pope Pius IV would have abolished the very formalities and superfluous aspects of judgments, which would have destroyed the judgments themselves; for a judgment cannot stand without that which is required by its nature. Therefore, the Sacred Roman Rota, which has diligently observed the Pio-Pian law, has not considered substantial nullities to be suppressed by it. It states, in Decree 499, n. 1-3, *Recentiorum*, p. 18, vol. 2: "...In the first place, the nullity of the sentence, even with a single response, is overlooked, because the nullities (in the case of objections raised by the parties) are not among those three [elements] of jurisdiction, mandate, and citation, which are insurmountable, according to the reform of Paul V and previously of Pius IV,... as the Rota concluded before Buratt, in Decree 337, nor are they those which concern the substance of the judgment, as is noted there, etc." It is therefore clear that the Sacred Roman Rota considers not only the three aforementioned nullities, but also others that concern the substance of the judgment, or substantial nullities. Furthermore, to turn to the facts, in the Treves case, there is a substantial nullity, namely, a complete lack of opportunity for defense on the part of the defendants. How this could have happened is evident from the records. When the matter concerned defamation arising from a certain article in a Treves periodical, the judge

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considered the matter to be notorious, and therefore, according to the law and the opinions of the authorities regarding notorious and manifest matters, he could dispense with the judicial process. Thus, after sending only one and then a second citation (on December 18th and 21st of the year 1911) to the "Editorial Department" of the periodical, he invited the defendants to respond in writing or orally, and immediately determined the date of December 27th of the same month (that is, only six days after the second citation) for the delivery of the final judgment: which judgment was actually delivered on that very day, December 27th, and immediately notified to the defendants. However, in this case, we were not dealing with a matter that was legally considered notorious. It should not be confused that a certain fact is public or notorious with a notorious offense in the sense of law and canon law. In a crime...

[*Latin ed. p. 283*]

The Roman Rota. There are two elements to be distinguished in a case involving a crime: the perceptible fact, and its criminal quality; the former is its material basis; through the latter, as through its formal reason, the act is constituted as a crime. However, for a crime to be considered notorious in a legal sense, or for a judge to be able to proceed without following the usual judicial process, it is required that the perceptible fact be so public and notorious that it cannot be concealed by any means, as stated in chapter 10 of *De cohabit. cler.*; and in chapter 24 of *De verborum significationibus*; but this is not sufficient, and it is also required, and indeed primarily, that the criminal quality of the act be so clear and evident that it cannot be excused by any exception. This is the common and certain opinion of the Doctors. Thus, Pirhing teaches in title "De accusationibus," number 104: "It is necessary that not only the act itself be notorious and evident, e.g., that Titus has killed a man, but also the qualities of the act, so that no defense or excuse is available to the accused; for it can happen that someone kills another in self-defense, or because he could have killed him with impunity." And in title "De foro competenti," number 20, the same author also teaches: "It must also be noted that, for a crime to be considered notorious, it is not enough that the act itself be notorious in itself, or that it is publicly known, e.g., that Titus killed Caius, but it is also necessary that the qualities or circumstances of the act itself be notorious, so that no defense or excuse for the guilt can be offered by the accused, as noted by Clarus, chapter 1, number 3; Mase, chapter 1, number 9; Tuschus, in *Notorium*, section 3, number 4; e.g., Titus killed Caius in a public forum, in the presence of the people, so that the act cannot be denied: in this case, the act is indeed notorious in itself, but not with regard to all circumstances; for it could happen that Titus killed Caius in necessary self-defense, or suddenly in a fit of anger, or because he was mentally deficient, or because Caius could have been killed with impunity, and therefore he may present an excuse,

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so that he has committed a crime in no way, or at least less severely, and therefore deserves either no punishment, or at least a less severe one." Thus also Reiffenstuel, in title "De accusationibus," number 265: "It is required that not only the notoriety of the crime be established, but also its formality or malice; so that it is not enough that a homicide is known to have been committed, but it must also be clearly known that it was committed with guilt or intent, and not in self-defense, or by chance, etc.; as Clarus says in the final section, question 9, number 3, this is the common conclusion." Similarly, Schmalzgrueber, in title "De accusationibus," number 15: "The act must be notorious, not only in itself, but also in its nature; because if it is not notorious in this way, there will be room for tergiversation and excuse, to which there should be no room in a notorious crime: chapter *Tua nos*, 8.

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis. - Official Commentary. "On the Cohabitation of Clergy." Thus, also, in almost the same terms, Pichler, in the same title, "On Accusations," no. 40. These are followed by more recent canonists, e.g., Bouix, *De iudiciis eccl.*, Part II, section IV, subsection I, § 3; Lega, *De iudiciis*, vol. IV, no. 119, edition of 1901, etc. Therefore, this doctrine, founded on chapter 15, "With Those You Love," on canonical purgation, and in the cited chapter 8, "You Are Ours," on the cohabitation of clergy, and generally, indeed universally, accepted by canonists, must be scrupulously observed in legal proceedings. Furthermore, in our case, the material fact, namely the publication of the text borrowed from the Basel periodical and reprinted by the Treves periodical "Petrus Blätter," was indeed well known. However, the criminal nature of this act was not so obvious; for in our law, it is sometimes permissible, indeed obligatory, to reveal the fault or guilt of another, e.g., when it is in the interest of the state or religion, or even to avert a serious harm to someone, as commonly taught by canonists and theologians, e.g., Reiffenstuel, in the title "On Injuries and Damages," no. 18; Pichler, in the same title, no. 7; D'Annibale, *Summula*, vol. %, § 260, 3rd edition, etc. And indeed, in the discussion of this case in the *H. S. O.*, the defendant wrote several things in their defense. Therefore, we are not dealing with a legally notorious offense, and therefore the judicial procedure should have been observed by the Treves court, that is, first of all, the defendant should have been given the opportunity to present their defenses, the right to choose a defender, the presentation of documents, the calling of witnesses, etc.; and since all of these were omitted, there is certainly a substantial nullity in the Treves judgment, because, outside of legally notorious cases, natural law itself dictates that a party cannot be condemned without being heard. This is so true that, in summary proceedings, in which only what is required by natural law is observed, the canon law legislator intended to leave room for defenses; indeed, in the Clementine

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Code, in "Often," no. % on the meaning of words, Pope Clement V ordered that whatever is referred to these summary proceedings, he commanded that the judge should make the disputes as short as possible, adding these words: "But the judge should not shorten the dispute in such a way that necessary proofs and legitimate defenses are not admitted." Since this was neglected in the Treves judgment, it must be said that it suffers from a substantial nullity. It must also be added that the Treves judgment suffers from another nullity, namely, from the chapter on citation. It was stated above, in the *H. S. O.*, that, according to the precepts of the Roman Pontiffs, accidental nullities that occur in processes and judgments are to be disregarded, but three nullities are admitted, namely, those arising from a lack of jurisdiction, mandate, and citation. Furthermore, the Treves judgment falls into a nullity arising from a lack of citation. For a citation to be valid and legal, several things are required, and especially that the citation express...

[*Latin ed. p. 285*]

The Roman Rota. It is necessary to name the person to be cited, so that this person is completely determined. On this point, Reiffenstuel should be heard, in the title "De oblatione libelli," n. 57: "It is required that the name and surname of the person or thing to be cited be 'clearly expressed,' c. Significante, 34, and c. Significavit, 36, De rescriptis, 'and c. Cum in multis, in VI. And it is fitting, partly so that the person to be cited may know that the citation concerns him, and so that execution against him may be possible, even if he is contumacious, and partly so that access to fraud, which could otherwise easily occur, is prevented, and the plaintiff cannot vary the citation." "But if a certain community or city or college is to be cited, then a general citation is sufficient, e.g., by citing the consuls and senators of that city, or the abbot and prior of such a monastery: provided that such names represent a certain body, and that body is completely determined." Similar statements are found in Scaccia, De iudiciis, book 1, chapter 32, n. 11; Pichler, in the title "De oblatione libelli," n. 18; Schmalzgrueber, in the same title, n. 20, ad 5 and 7. Therefore, if a private person is to be cited, he must be cited by his proper name; but if a moral person is to be cited, who has the right to appear in court, or at least who is truly subject to rights and obligations, a general citation is sufficient, namely, by citing the administrators or directors. It should be noted, however, that when dealing with a private person, it is possible that his name is unknown to the judge; in that case, it is sufficient to designate this person in the citation by such a quality or office that cannot apply to anyone else, and thus perfectly determine the person to be cited. This was already the case under Roman law, as is clear from L. Nominatim, 2, D. De liberis et posthumis, and it has been adopted in canon law, where it is expressly stated that a person is to be cited or called by name, even if the name is not explicitly mentioned, but is

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designated by such qualities or signs that cannot apply to anyone else, e.g., the only son or eldest son of such a father, the pastor of such a parish, the abbot of such a monastery. Cf. Glossam, in cap. Constitutionem, 9, de S. E., in VI, v. Nominatim; Suarez, De Censuris, disp. 9, sect. 2, num. 10; Fagnan., in cap. Quod a praedecessore, 1, De schismaticis, num. 47; and so generally. Now, with regard to the citation in the Treves court, the "Redactio" of the "Petrus Blätter" periodical was cited. This is stated in the order of the Treves judge, dated December 18, 1911, and in the same letter, dated December 21 of the following year, in which a peremptory deadline was set. But the "Redactio" of the aforementioned periodical is not a moral person in the strict sense, who has the right to appear in court; it is not, in the legal sense, a collection of persons (such as a city, chapter, college, etc.), nor a collection of goods (such as foundations, pious works, etc.), which has been established by a competent civil or canonical authority for a specific purpose.

[*Latin ed. p. 286*]

286 Acta Apostolicae Sedis. - Official Commentary. a legal or moral person. Furthermore, the term "Redaction" does not denote a collective person, which is truly the subject of rights and obligations; as commonly happens in periodicals, each member of the "Redaction" is assigned a specific task within the periodical, without assuming any obligation with respect to the others. It often happens that the principal editor alone determines what is to be published, without being obliged to listen to anyone else. There is a certain union among the members of the "Redaction," inasmuch as the work of each contributes to a single outcome (namely, the publication of an issue of the periodical), just as there is a union among craftsmen of different trades in building a house; but this union is not sufficient to constitute them as a single moral body, subject to rights and obligations with respect to other persons, whose interests may be involved. Therefore, the "Redaction" of the Treves periodical could not be cited as a collective person, as the term "responsible" implies, and therefore, in an action brought against it, a specific individual must be cited. Thus, Mr. Neuerburg was acting within his rights when, on behalf of the members, he responded to two summonses from the Treves court on December 26th: "We reject the proceedings in the Froberger case, because the 'Redaction' of the 'Petrus Blätter' cannot be involved, but rather a specific person." Therefore, the court should have accepted the objection raised and deliberated on it, and should have amended the summons, citing, for example, Mr. Neuerburg himself, who was the principal editor of the periodical, and who, in fact, always represented the periodical in the appeal and in the present Rotali proceedings. However, the court did not amend the summons, but on the following day, December 27th, it issued a final judgment. Therefore, the summons from the Treves court was invalid and had no effect, since it was

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directed to a person incapable of being summoned. Nor can it be said that the defect in the summons was cured by a third summons of December 24th, in which the Treves judge wrote: "To the 'Redaction' of the 'Petrus-Blätter'. We rely on the decision of the 'Redaction', or rather, on the author of the article in question in No. 7 of the Review, to personally participate in the session that will be held on Wednesday, December 27th, at 3 p.m., in the hall of debates of the episcopal vicariate, in which the matter of Mr. Froberger against the 'Petrus-Blätter' will be dealt with." The defect in the summons was not cured by this letter; for this letter cannot be considered a summons, nor does it order anyone specifically and precisely to appear; therefore, nor did the court, in its judgment, insist on this letter to defend the validity of its summonses.

[*Latin ed. p. 287*]

287 The Roman Rota. The reasoning of the Tribunal is not without merit, namely: "The citation of the editors of the 'Petrus-Blätter' cannot be impugned, because the so-called 'responsible manager' should have been cited. Although civil laws may establish this in the proposed manner, according to moral and ecclesiastical law, the responsibility for articles that appear in a newspaper belongs, in addition to the author, to certain persons who are responsible for its compilation, whose names may not be known to the judicial authority." For: 1° The exception raised by D. Neuerburg did not aim to summon the person they call the 'responsible manager,' but to cite a specific person; 2° As stated above, in commonly occurring circumstances, members of a 'Redaction' are indeed held responsible for their own actions or writings, but not for the actions or writings of others, to whom those actions or writings are not entrusted. Therefore, either the person called the 'responsible manager' or the principal editor of the publication should have been cited; and if their names were unknown to the judge, it was sufficient, according to the above, to designate them by their office, which truly perfectly identifies them. Therefore, with regard to the first question, the solution is clear: the sentence of the Treves court is null. When the matter came to the two other questions, which concern the merits of the case, D. Ponens recounted what he had already attempted, with unfortunate results, to bring about a settlement or agreement between the parties. After this report and discussion, the Auditors of the Roman Rota nevertheless believed that it was possible for the controversy to be resolved through a settlement. Therefore, on February 7, 1913, they responded to the questions posed and decreed as follows: Regarding the first question: Affirmative. Regarding the second question: Deferred, and a new proposal for a settlement is made. Regarding the third question: Provision is made in Article 11. With this sentence pronounced, D. Ponens again made every effort to bring about a settlement to the desired end. Which, finally, happily occurred on May 9 of the following year, on which

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day both attorneys, duly authorized, signed the agreement. The tenor of the agreement is as follows: Tenor of the agreement concluded between the parties. The Auditors of the Roman Rota, on February 7, 1913, in the usual seat of the Tribunal, regarding the three questions first agreed upon in this case, namely: Treves. I. Does the sentence of the court establish nullity? II. Does the sentence establish defamation in this case? III. And to the extent that it affirms...

[*Latin ed. p. 288*]

288 Acta Apostolicae Sedis. - Official Commentary. Regarding item 11, they had held deliberations concerning how to proceed in the case, and had responded with a definite affirmative; concerning the other two points, they perceived that it was increasingly possible for the controversy to be resolved through negotiation, and therefore, they wrote regarding item 2: "Delay, and propose reconciliation anew." Indeed, reconciliation, which had already been attempted by the Most Holy Pontiff, was proposed again, and brought to a happy conclusion. Both advocates, namely, the Reverend Vincent Sacconi, advocate for Reverend Froberger, the plaintiff, and the Reverend Angelus D'Alessandri, advocate for Mr. Neuerburg, the director of the newspaper "Petrus Blätter," the defendant, both duly authorized, in the names of their respective clients, agreed to the following articles:

I. The writers of the newspaper "Petrus Blätter" declare that, while transcribing the text of the newspaper "Basler Volksblatt," they did not intend to attribute all the meanings and intentions expressed in that text to Reverend Froberger, but rather, as is customary, they intended to present a complete list of judgments that had previously been issued concerning the book by Father Weiss.

II. On his part, Reverend Froberger gladly accepts this declaration by the writers of the newspaper "Petrus Blätter," and therefore, he retracts and suppresses all the accusations that he made in his complaint against the newspaper "Petrus Blätter."

III. This present agreement will be published, within a period of twenty days from the date of notification of the judgment, not only in the newspaper "Petrus Blätter," but also in six other newspapers, the names of which are: "Kölnische Volkszeitung, Germany, Augsburger Postzeitung, Stesisene Volkszeitung, Neue Züricher Nachrichten, Allgemeine Rundschau." Reverend Froberger undertakes to carry out this publication in the aforementioned six newspapers.

IV. All judicial expenses between the parties are mutually compensated.

V. Both parties spontaneously renounce any further legal action against each other, whether in a civil or ecclesiastical court, or even in an administrative forum, which relates to the present dispute.

Rome, on May 9, 1913.

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Signed:

V. Sacconi.

A. D'Alessandri.

S. Many, Ponens.

Having considered all of these matters, both in fact and in law, and invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal, and with only God before our eyes, pronounce judgment as follows:

[*Latin ed. p. 289*]

The Roman Rota declares and definitively pronounces that the sentence of the Treves Tribunal is null and void: Affirmative. Regarding the first question posed, we answer thus: We pronounce this, ordering the Ordinaries of the places and the officials to whom it pertains to execute this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session XXV, of the Council of Trent, employing the executive and coercive means that shall be more effective and appropriate for the circumstances. Furthermore, regarding the agreement begun between the parties, the Lords Auditors publish it with all its legal effects, and decree, in accordance with article IV of said agreement, that all judicial expenses between the parties shall be compensated, so that even the expenses of the execution of the sentence and the agreement shall be paid by each party in half. In Rome, at the seat of the Tribunal, on the 15th of May, 1913. Seraphinus Many, President. Ioannes Prior. Aloysius Sincero. Sac. T. Tani, Notary.

LETTERS.

I. TO PAULINUS PETRUS CARDINAL ANDRIEU, ARCHBISHOP OF BURDIGALA, CONCERNING HIS DECLARATION AGAINST "LE BULLETIN DE LA SEMAINE."

Most Eminent Lord, I have the honor to acknowledge the receipt of Your Eminence's letter of April 12th, as well as the double copy of the issue of "L'Aquitaine" relating to the Declaration that Your Eminence deemed it necessary to make against "Le Bulletin de la Semaine." I have not failed to take note of this Declaration, and I can only approve the wise and opportune measure that Your Eminence has taken in this regard for the good of the clergy and the faithful entrusted to Your care.

[*Latin ed. p. 290*]

Acta Apostolicae Sedis. - Commentarium Officiale. 290. The Most Holy Father congratulates you on your pastoral zeal in bringing to the attention of your beloved diocesans the dangers to their faith, to the integrity of sound doctrine, in preserving them from all that may harm, and in strengthening within them devotion and attachment to the Vicar of Jesus

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Christ, obedience to the Apostolic See and its decisions. In communicating to Your Eminence the Apostolic Blessing which the Holy Father grants you with all His heart, I am pleased to renew the tribute of profound veneration with which I am accustomed to address Your Eminence. April 21, 1913. The very humble and very devoted servant, R. CARD. MERRY DEL VAL. TO R. D. CAN. LAHITTON, WHO PRESENTED TO THE MOST BLESSED FATHER, AS A TOKEN OF DEVOTION, A NEW EDITION OF HIS WORK, "SACERDOTAL VOCATION." Reverend Monsignor, The Supreme Pontiff, Pope Pius X, thanks you for the filial tribute you have paid Him with the new edition of your work on the Sacerdotal Vocation, and on this occasion, He confirms the congratulations which He had addressed to you upon the first appearance of your learned work. Already, last year, the Holy Father fully approved the decision taken on June 20, 1912, by the most eminent Cardinals specially charged with examining the doctrinal question raised by the publication of your book. In recognizing the merit of this masterful study, the Cardinal Commission praised the important points of the traditional concept of the Church, which you have brought to light. Having become acquainted with the present edition, the Holy Father congratulates you again for having rendered an important service to the cause of sound doctrine, and as a pledge of His complete satisfaction, He grants you, with all His heart, the Apostolic Blessing. With my congratulations and my personal thanks, please receive, Reverend Monsignor, the assurance of my devoted sentiments in Our Lord. June 7, 1913. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 291*]

The Pontifical Commission for Biblical Matters. THE PONTIFICAL COMMISSION FOR BIBLICAL MATTERS I. CONCERNING THE AUTHOR, THE TIME OF COMPOSITION, AND THE HISTORICAL TRUTH OF THE BOOK OF THE ACTS OF THE APOSTLES. Having considered the following questions, the Pontifical Commission for Biblical Matters decreed: The Pontifical Commission for Biblical Matters, after carefully considering the tradition of the entire Church, extending even to the earliest ecclesiastical writers, and after examining the internal reasons of the Book of Acts, both within itself and in its relationship to the third Gospel, and especially the mutual affinity and connection of the prologues of both (Luke, I, 1-4; Acts, I, 1-2), has decided as follows: I. Whether it can be considered certain that the volume, which is entitled "Acts of the Apostles," or *praxeis apostolon*, was written by the Evangelist Luke? Answer: Affirmative. II. Whether it can be demonstrated, through critical reasons, drawn from the language and style, the manner of narration, and the unity of purpose and doctrine, that the Book of Acts should be attributed to a single author; and therefore, whether the opinion of some recent writers, who hold that Luke is not the sole author of this

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book, but that there are several authors of the same book, is devoid of any foundation? Answer: Affirmative in both respects. III. Whether, in particular, the passages in the Acts in which, with an abrupt change, the third person is replaced by the first plural (Wirstücke), weaken the unity of composition and the authenticity; or rather, whether, when considered historically and philologically, they are to be said to confirm it? Answer: Negative in the first part, affirmative in the second. IV. Whether, from the fact that the book itself, with scarcely any mention of the two years of Paul's first Roman captivity, is abruptly concluded, it can be inferred that the author wrote, or intended to write, another volume, and therefore that the time of composition of the Book of Acts could be much later than that captivity; or rather, whether it is to be maintained, with good reason, that Luke completed the book towards the end of the Apostle Paul's first Roman captivity? Answer: Negative in the first part, affirmative in the second.

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis. - Official Commentary. V. Whether, considering both the frequent and easy intercourse that Luke undoubtedly had with the first and principal founders of the Palestinian Church, and also with the Apostle Paul of the Gentiles, of whom he was both an assistant in the evangelical preaching and a companion on his journeys; and also his usual diligence and care in seeking out witnesses and observing matters with his own eyes; and finally, the often evident and remarkable agreement of the book of Acts with the very Epistles of Paul and with the most reliable historical records; it must certainly be held that Luke had trustworthy sources at his disposal, and that he used them accurately, thoroughly, and faithfully: so that he may rightfully claim full historical authority? Answer: Affirmative. VI. Whether the difficulties that are commonly raised, both from the supernatural facts narrated by Luke; and from the account of certain sermons, which, although briefly transmitted, are considered to be reliable and adapted to the circumstances; and from certain passages that apparently differ, at least, from secular or biblical history; and from certain narratives that seem to contradict either the author of Acts himself or other sacred authors; are such that they can call into doubt the historical authority of Acts, or at least diminish it in some way? Answer: Negative. II. CONCERNING THE AUTHOR, THE INTEGRITY OF PAUL'S PASTORAL WRITINGS, AND THE TIME OF COMPOSITION OF THE APOSTLE'S EPISTLES. Regarding the following questions, the Biblical Commission decided as follows: Pontifical Commission de Be I. Whether, considering the tradition of the Church, which from the very beginning has been universally and firmly maintained, as testified by numerous ancient ecclesiastical monuments, it must certainly be held that the so-called pastoral epistles, namely those to Timothy, both of them, and the one to Titus, were

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written by the Apostle Paul himself, notwithstanding the audacity of certain heretics, who, contrary to their dogma, have removed them from the number of Pauline epistles, without giving any valid reason, and that they are perpetually counted among the genuine and canonical ones? Answer: Affirmative. II. Whether the so-called fragmentary hypothesis, which has been proposed in various ways by some recent critics, and which, without any probable...

[*Latin ed. p. 293*]

293. The Pontifical Commission for the Revision of the Vulgate. Does the fact that, indeed, they are in disagreement, and contend with one another, that the pastoral epistles were composed at a later time from fragments of other epistles, or from lost Pauline epistles, by unknown authors, and that this may introduce some, even if slight, prejudice, against the testimony of tradition? Answer: Negatively. III. Whether the difficulties which are often raised in various ways, either from the style and language of the author, or from errors, especially those of the Gnostics, who are described as serpents even at that time, or from the state of the ecclesiastical hierarchy, which is already assumed to be developed, and other similar arguments to the contrary, weaken in any way the judgment that the authenticity of the pastoral epistles is established and certain? Answer: Negatively. V. Whether, since, as well as from historical reasons, it agrees with the testimony of the Holy Fathers, both Eastern and Western, and also from the very indications which are easily derived from the abrupt conclusion of the Book of Acts, and from the Pauline epistles written in Rome, and especially from the Second Epistle to Timothy, that the opinion that the Apostle Paul was in a double captivity in Rome should be considered certain; can it be safely affirmed that the pastoral epistles were written during that time interval between his release from the first captivity and the death of the Apostle? Answer: Affirmatively. On the 12th of June, in the year 1913, in an audience graciously granted by our Holy Father, Pope Pius X, to the undersigned Reverend Consultor from the Acts, the aforementioned answers were approved and ordered to be made public. Rome, on the 12th of June, 1913. LAURENTIUS JANSSENS, O. Consultor from the Acts. II. © S. S. B.

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. PREPARATORY ANTI-HERETICAL CONGREGATION. On the 17th of June, 1913, before the Most Eminent and Reverend Cardinal Lewis Billot, Promoter of the Cause of Beatification and Canonization of the Venerable Giuliano Maunoir, a professed priest of the Society of Jesus, the Preparatory Congregation of Sacred Rites was held, in which, by the Reverend Prelates Officials and the Theological Consultors of the same, the doubt concerning

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the heroism of the virtues exercised by the aforementioned Venerable Servant of God was discussed.

SECRETARY OF STATE. APPOINTMENTS. By means of tickets from the Secretary of State, the Holy Father deigned to appoint:

June 12, 1913. — His Eminence Cardinal Ottavio Cagiano de Azevedo, Pro-Prefect of the Sacred Congregation of Religious Orders.

June 24. — His Eminence Cardinal Gaetano Bisleti, Protector of the Congregation of the Sisters of the Immaculate Conception, of Iaztoviec (Leopoli of the Latin Rite). — The Reverend Father Egidio Bertolotti, former General of the Pious Schools, Consultor of the Sacred Congregation of the Index.

By Apostolic Briefs, the Holy Father deigned to appoint:

Assistant to the Papal Throne: June 5, 1913. — Monsignor Domenico M. Valensise, titular Archbishop of Ossirinco.

Apostolic Protonotary *ad instar participantium*: June 14, 1913. — Monsignor Eugenio Duval, formerly administrator of the diocese of Guadalupa.

[*Latin ed. p. 295*]

Diary of the Roman Curia. 295 Domestic Prelates of His Holiness: May 30, 1913. — Monsignor Baldassare Feuersinger, canon of the metropolitan church of Salzburg. — Monsignor Lorenzo Werthmann, of the archdiocese of Freiburg im Breisgau. June 1. — Monsignor Giovanni Grobelskij, of the Ruthenian rite, canon of the chapter of Stanislaopoli. June 10. — Monsignor Bartolomeo Cattaneo, rector of the pontifical college Urban of the Congregation for the Propagation of the Faith. June 11. — Monsignor Giuseppe Eisenbarth, canon of the diocese of Rottenburg. — Monsignor Francesco Stanonik, professor at the University of Gratz. June 12. — Monsignor Tommaso Robinson, dean of the diocese of Perth. — Monsignor Patrizio Verling, vicar general of the same diocese. By letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Secret Chamberlains of His Holiness: June 3, 1913. — Monsignor Valdimiro Kozorowskij, of the diocese of Stanislaopoli. June 7. — Monsignor Alessandro Zamparo, of the archdiocese of Gorizia. — Monsignor Ilario Zorn, of the same archdiocese. — Monsignor Agostino Mucci, of the diocese of Arezzo. June 13. — Monsignor Francesco Sulc, of the diocese of Königgrätz. — Monsignor Paolo Rozinck, of the same diocese. — Monsignor Francesco Tschertner, of the same diocese. — Monsignor Polidoro Benedini, of the diocese of Mantua. — Monsignor Antonio Vollnhals, of the archdiocese of Munich (Bavaria). Honorary Chamberlains in purple vestments of His Holiness: June 14, 1913. — Monsignor Giuseppe Dvorak, of the diocese of Brünn. — Monsignor Francesco Bulla, of the same diocese. Extraordinary Chamberlain of the Sword and Cape of His Holiness: June 18, 1913. — Mr. Enrico Concha y

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Subercaseaux, of the archdiocese of Santiago del Chile.

[*Latin ed. p. 296*]

Acts of the Apostolic See. - Official Commentary. HONORS. With Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Grand Cross of the Order of St. Gregory the Great, civil class: June 3, 1913. — To the Most Noble Count Otto de Rechberg-Rotenlawen, of the diocese of Rottenburg.

The Commander's Cross with plaque of the Order of St. Gregory the Great, civil class: June 7, 1913. — To Mr. Stefano Dervillé, general director of the railway company "Paris-Lyon-Méditerranée."

The Commander of the Order of St. Gregory the Great, civil class: June 7, 1913. — To Mr. Antonio Coelho de Castro Villas-Bóas, of Evora. — To Mr. Augusto Masure, general secretary of the railway company "Paris-Lyon-Méditerranée." — To Mr. Leone di Lanzac di Laborie, general secretary of the Society of St. Vincent de Paul in Paris.

The Knighthood of the Order of St. Gregory the Great, civil class: May 21, 1913. — To Mr. Luigi Ambrosini, of Rome. May 25. — To Mr. Giuliano Robert, of the archdiocese of Rouen. — To Mr. Enrico de Grandmaison, of the same archdiocese. May 30. — To Mr. Agostino Guglielmo Claudio Wright, of the United States of America. June 7. — To the gentlemen Bernardo Faulquier and Enrico Bouteiller, secretaries of the general council of the Society of St. Vincent de Paul in Paris. June 12. — To Mr. Eugenio Masure, of Tourcoing, in the archdiocese of Cambrai.

The Knighthood of the Order of St. Gregory the Great, military class: June 5, 1913. — To Mr. Achille Bourget, former Papal Zouave, of the archdiocese of Québec.

The Knighthood of the Order of St. Sylvester the Pope: May 18, 1913. — To Mr. Salvatore Fragano, of the archdiocese of Naples. June 6. — To Mr. Daniele E. Stappleton, of Colombia.

[*Latin ed. p. 297*]

Year V. - Volume V. July 7, 1913. No. 11. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE PIUS X. I. APOSTOLIC CONSTITUTION CONCERNING THE NEW SEMINARY AT THE LATERAN and other institutions in the City for the Roman and Italian Clergy. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE: From the very beginning of Our Pontificate, We have diligently and carefully striven to fulfill the principal and greatest duties of the apostolic office, namely, to ensure that those who have been called by the Lord to this vocation are most fully instructed in the ministry, and adorned with virtue and doctrine. This is a testament to Our concern: the visits to the sacred seminaries, which have been decreed and have already been carried out in many places; new laws have been given,

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especially to seminaries in Italy, concerning the fostering of discipline and piety, and the adaptation of studies to the times; also, buildings have been constructed throughout Italy, with the assistance of the local Ordinaries, where, separated from the younger, the older clerics of many dioceses, who are near to the priesthood, are gathered together under carefully selected moderators and teachers, in a manner more suitable to a higher and more sacred order. In addition to these, the Sacred Council...

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis. - Official Commentary. concerning matters of importance, to which the Supreme Pontiff himself presides; the particular care of seminaries, and other matters suitably established in this regard. It was indeed fitting that this esteemed City of ours should claim a prominent part in this diligence and study, where, among many other institutions, a seminary has been providentially founded for the instruction of the sacred youth of almost all nations, and since the time of the Most Holy Council of Trent, our Roman Seminary has flourished; and at other times, seminaries have been established at Vaticanum, Pium, SS. Ambrosii, and Caroli, as well as the colleges of Capranica, Leonianum, and the Cerasolium at the Roman Seminary; to which, rightly, students flow not only from the City but from almost all of Italy, under the inspection of the Apostolic See, for sacred instruction. And first of all, since, from reports made to Us and from the consultation of experts, We learned that the buildings which the Roman Seminary, together with the Pium, occupies, are not adequate for the needs, and that they lack the amenities necessary for the health of the young men, it seemed necessary to acquire a new location. Therefore, when We were considering a suitable place for construction, the ancient and most famous school came to Our mind, which was originally established and then expanded and more firmly established in the Patriarchate of the Lateran, and which has been a source of countless and great priests for the Church throughout the ages; for this reason, We ordered that, on land privately belonging to the Apostolic See, adjacent to the Archbasilica of the Lateran, a more spacious and suitable building be erected for our Seminary, not without the hope that the ancient glories of the Roman clergy might be restored, if God so wills. With these buildings erected with great effort, it seemed necessary to ensure that the Roman Seminary itself, and the others mentioned, as urban seminaries and colleges, would be more suitable for the conditions of the times for Italian clerics. Therefore, We consulted with several Cardinals of the Holy Roman Church, who carefully considered all matters, and proposed to Us what they considered to be the most suitable. And so, after their consultation...

[*Latin ed. p. 299*]

From the Acts of Pope Pius X, page 299, and after mature deliberation,

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We have decided and decree the following:

I. The Roman Seminary shall be twofold, a smaller and a larger one.

II. The smaller Seminary shall have students who dedicate themselves to the studies of literature in the gymnasium; it shall occupy the same location and seat as the Vatican Seminary. Thus, the Seminary, erected by the most illustrious Pope of blessed memory, Urban VIII, for the benefit of the venerated Basilica of St. Peter, and generously expanded by Our predecessors, now, with its original purpose and nature preserved, shall acquire the honor of the Roman Seminary.

III. The larger Seminary shall include students dedicated to the studies of philosophy and theology; its seat shall be in the new buildings near the Archbasilica of the Lateran.

IV. We transfer to those same buildings the Pious Seminary, founded by Our predecessor of blessed memory, Pope Pius IX, preserving, equally, what pertains to its purpose and nature, and its founding laws.

V. There shall also be the College of St. Ambrose and St. Charles, which We join to the Roman Seminary.

VI. In the Leonine College, henceforth, only those already initiated into the priesthood shall be received, who, for the sake of studies and further learning, and with the permission of their own Bishop, have come to Rome.

VII. The Faculties of Philosophy and Theology, as established by the most illustrious Popes, shall continue in the Roman Seminary, so too shall they persevere in the larger Seminary at the Lateran.

VIII. The Faculty of Canon Law, which also existed in the Roman Seminary until now, shall now be with its students at the Leonine College; however, it shall not be considered separate from the Roman Seminary, but shall always be counted among the schools of the Seminary itself.

IX. The Theological Academy, formerly established in the great Lyceum of Sapienza, shall remain permanently in the buildings near St. Apollinaris, which We previously dedicated to the pious work already established in the religious house of the Most Holy Trinity, near the Innocentian Curia, by a Consistorial decree of January 25, 1911.

[*Latin ed. p. 300*]

Acts of the Apostolic See. - Official Commentary. 300, X. For those from Italy who wish to pursue a course of studies in the City with the aim of becoming priests, it is now permitted to no one, unless they reside in a seminary either at the Lateran Palace or in the Vatican. However, this law shall not apply to those who wish to prepare themselves in their own colleges in the City for preaching the Gospel to the unbelievers; nor to those for whom a place is available in the Capranica College, according to its original foundation. Regarding the remaining matters, we will soon publish specific prescriptions for the implementation of this Our Constitution;

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and we desire that these, as well as those things which we establish in these letters, be observed by all, sacredly and inviolably. We earnestly implore God, the source of all mercy, that His eyes may be open day and night upon this house, which we have raised with great expense, as if it were a second Patriarchate; that He Himself may perfect and strengthen the work which We have undertaken with singular dedication for His glory and for the salvation of souls; and that He may be gracious to the students of the sacred order, entrusted to the patronage of the chief Apostles, Peter and Paul, and of both Johns, that they may become priests of sound faith, active charity, thoroughly instructed in doctrine, solidly established in humility, just as the holy Church asks of them in all her prayers and desires. These things We establish and decree, declaring these Our letters to be firm and efficacious, and to remain so, notwithstanding anything to the contrary, even if specifically mentioned. Given at Rome, near St. Peter's, on the 29th day of June, in the year of the Incarnation of the Lord 1933, in the tenth year of Our Pontificate.

A. CARD. AGLIARDI C. S. B. E.

Chancellor.

CARD. D E LAI

Secretary of the Sacred Consistorial Congregation.

SEEN AND APPROVED

M. Reg. in Cane. Apost., n. 43118.
RIGGI C. A., Notary.

[*Latin ed. p. 301*]

Acta Pii PP. X. 301. APOSTOLIC LETTERS. PERPETUAL INDULGENCES ARE GRANTED TO THE ASSOCIATION "THOSE WHO LOVE CHILDREN!" THROUGHOUT THE WORLD. PIUS PP. X. For the perpetual memory of this matter. — In many, especially in the dioceses of Austria, a fruitful association exists, canonically established under the title "Those Who Love Children," commonly known as "Katholischer Verein der Kirderfreunde," and placed under the patronage of the Holy Family. This pious association aims to educate Catholic children, and therefore its members strive to establish and maintain Catholic schools, and with singular diligence, they work to entrust these children to parents for their education. Furthermore, they diligently endeavor to receive into their care children orphaned or neglected by their parents, and also to provide assistance to young people who, due to a lack of religious or civil instruction, have strayed from the right path, establishing homes for these

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as well. In order that these salutary aims may be more easily attained by the members, they constantly offer prayers, beseeching God and the Blessed Virgin daily. Furthermore, they do not neglect to contribute their own means. From the year 1884, from its very beginning, the association, first established in Salzburg, was, through a decree of the Congregation for Indulgences and Sacred Relics, signed on the twentieth day of December, granted spiritual graces for a period of ten years by Our predecessor, Leo PP. XIII, of blessed memory. Now, the general moderator of this association, urges us with fervent prayer to confirm these graces perpetually; and knowing well the great good that will result from the active work of its members, we are pleased to grant this request willingly. Therefore, that the aforementioned association may, with God's favor, increase and prosper from day to day, after having heard the Most Reverend and Most Reverend Cardinals, General Inquisitors, and confident in the mercy of Almighty God and the authority of Our Blessed Apostles Peter and Paul, we grant, with our apostolic authority, to all and each of the faithful who, in any diocese where it exists, canonically established, join the association called "Those Who Love Children," a plenary indulgence on the first day of their entry, and if, truly contrite and having confessed, they receive the most holy Eucharist, also on those days when they are enrolled in the association, and in the future, to the members of the association who annually participate in the feasts of the Nativity of Our Lord Jesus Christ, the Resurrection of Our Lord Jesus Christ (Easter), Pentecost, and the Immaculate Conception.

[*Latin ed. p. 302*]

302 Acta Apostolicae Sedis. - Official Commentary. Concerning the conception of the Virgin Mary, and also on the days on which, according to the recent constitution regarding feasts, the Solemnities of St. Joseph, the most pure Spouse of the B.V.M., and the Nativity of St. John the Baptist are observed in the Church, to those who, having received sacramental absolution and having partaken of the Eucharistic food, devoutly visit their own Society's church, if one exists in the places where they reside, or any other public church or chapel, from midday of the day preceding until sunset on each of the aforementioned feast days, each year, and there pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of Holy Mother Church, We grant, with merciful kindness in the Lord, a plenary indulgence and remission of all their sins. Furthermore, to the aforementioned members of the Society, both those who are now and those who will be admitted or enrolled in the future, We grant that, with at least a contrite heart, on each of the days of the feasts of the Purification and Presentation of the B.V.M., of St. Anne, of St. Joachim, of St. Thomas the Apostle, of St. Benedict the Abbot, of St. Angela Merici, of St. Vincent de Paul, of St.

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Jerome Emiliani, of St. Joseph Galasanti, of St. Rupert the Bishop, and of St. Peter Canisius, they may, likewise, visit their own Society's church, if one exists in the places where they reside, or any other public church or chapel, and offer prayers as mentioned above; and that on those days, We remit from the number of their penances seven years and forty days, in the usual form of the Church. Finally, We grant to the same faithful, if they so wish, the permission to satisfy the canonical penances and expiate the guilt of their sins through these plenary and partial indulgences. Furthermore, considering that it is a holy and salutary thought to pray for the dead that they may be delivered from sins, and also considering the consolation of the deceased members of the Society, We, by Our apostolic authority, grant that those Masses offered for the dead by the members of the Society, now and in the future, at the altar of any church or chapel, will be of equal benefit to the souls for whom they are celebrated, as if they were celebrated at a privileged altar. Finally, to the priests who are directors of the aforementioned Society, now and in the future, during their ministry, We permit that, provided they are approved for hearing sacramental confessions, outside the city, and with the consent of the respective Ordinary, they may publicly, during sacred missions, and at other times privately, bless crosses, crucifixes, sacred medals, prayer beads, and small statues of Our Lord Jesus Christ, of the Blessed Virgin Mary, and of the Saints, in the usual form of the Church, and that they may grant to those who receive these blessings all the indulgences that are enumerated in the list published by the Sacred Congregation of Propaganda Fide, not excluding those pertaining to prayer beads, including those called "of St. Birgitta."

[*Latin ed. p. 303*]

From the Acts of Pope Pius X, page 303, are the regulations concerning indulgences, and other Apostolic Constitutions and Ordinances, and all other contrary things whatsoever, which shall be valid for the present and for all future times. We decree that, with respect to copies or exemplars of these present letters, even printed ones, signed by the hand of a public notary and sealed with the seal of a person holding ecclesiastical office, the same full faith shall be given to them, as would be given to the present letters themselves, if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the third day of June, in the year 1913, in the tenth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. J. S., Secretary of State.

SUPREME SACRED CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES)

I. DECREE. DOUBTS RESOLVED CONCERNING THE BLESSING OF SACRED MEDALS FOR THOSE WHO WEAR THE SCAPULAR.

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The following doubts were presented to this Supreme Congregation of the Holy Office for appropriate resolution:

I. Whether a priest, having the faculty to bestow the Scapular, can, with a single sign of the cross for each Scapular, publicly bless all the Sacred Medals held by the faithful in a church or in some gathering, so that these Medals appear to be blessed, even though they are not individually recognized?

II. Whether the blessing can be imparted to Sacred Medals for persons who are not yet enrolled in the Scapular, but who will be enrolled later or at a later time; so that these Medals would enjoy the benefits of the Scapular during the time that the persons are enrolled according to the established rite? Or is it necessary that the persons already enrolled in the Scapular be present before the Sacred Medals for them can be effectively blessed?

III. Whether many Medals can be blessed, which are to be distributed to any persons, some of whom are already enrolled in the Scapular, and others who are not enrolled; and in this case, will the Medals, at least those given to persons already enrolled in the Scapular, be blessed?

[*Latin ed. p. 304*]

Acta Apostolicae Sedis. - Official Commentary. 304 The Most Eminent and Reverend General Inquisitors, in their customary meeting held on Thursday, June 4, 1913, declared: Regarding I, Affirmative; Regarding II, Affirmative concerning the first part, Negative concerning the second part; Regarding III, in accordance with the opinion expressed in II. And the Most Holy and Divine Pope Pius, of blessed memory, Pope X, in an audience granted to the Reverend Prelate, Assistant of this Congregation, on Friday, June 5, of the same month and year, having been informed of the resolutions of the Most Reverend Fathers, benignly approved them; and ordered that this Decree be promulgated. Notwithstanding any dissenting opinions. M. CARD. RAMPOLLA. L. S. f D. Archbishop of Seleucia.

DECREE. A DOUBT IS RESOLVED CONCERNING THE PRAYERS OF LAY FRANCISCANS AFFILIATED TO OTHER RELIGIOUS SOCIETIES. Whereas, on June 11, 1913, on Thursday, the Most Eminent and Reverend Cardinals, General Inquisitors, in a meeting held in the offices of the Holy Office, having considered a doubt proposed to them: "Whether Lay Franciscans, reciting 'instead of the canonical hours, twelve times the Pater, Ave, and Gloria,' can, 'solely through this recitation, fulfill all other obligations, as far as prayers are concerned, which they have incurred through their affiliation with other pious societies,'" they expressed a negative opinion; the Most Holy and Divine Pope Pius, of blessed memory, Pope X, in a customary audience granted to the Reverend Prelate, Assistant of the Most Holy Sacred Congregation of the Holy Office, on Friday, June 12, 1913, having been informed of the opinion of the Most Reverend Fathers, decreed that the doubt proposed be answered with: "Negative." Notwithstanding

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any dissenting opinions. M. CARD. RAMPOLLA. L. S. f D. Archbishop of Seleucia.

[*Latin ed. p. 305*]

Most Holy Congregation of the Holy Office. 305- III. DECREE OR DECLARATION – CONCERNING CERTAIN PRAYERS OFFERED BY THE SUPREME PONTIFF BENEDICT. Dated 12 June 1913. His Holiness, Pope Pius, of happy memory, Pope Pius X, having been graciously pleased to grant an audience to the Reverend Fathers Assessors of the Most Holy Congregation of the Holy Office, deigned to declare as follows: The indulgences which His Holiness is accustomed to grant to crosses, crucifixes, rosaries, crowns, sacred medals, and small statues, offered to Him by the faithful, are to be understood only as those which are listed in the enumeration published by the Sacred Congregation of Indulgences on 28 August 1903, and which are called "Apostolic"; unless He expressly states otherwise, for example, by specifically and formally designating them, such as those of Saint Bridget or of the Crossbearers. Contrary opinions notwithstanding. M. CARD. RAMPOLLA. L.HBS. f D. Archbishop of Seleucia. Present. S. O. IV. DECREE OR DECLARATION REGARDING THE INDULGENCES OF THE CLERICAL PACT "FOR THE POPE AND THE CHURCH" GRANTED. Dated 12 June 1913. His Holiness, Pope Pius, of happy memory, Pope Pius X, having been graciously pleased to grant an audience to the Reverend Fathers Assessors of the Holy Office, deigned to declare as follows: The indulgences and faculties pertaining to indulgences, by which the clerical pact for the Pope and the Church, from any nation, has been enriched, and which are indicated in the Apostolic Letters dated 27 April 1913, are as follows: 1. The faculty of imparting the Papal Blessing once a year, at the end of the sermons during the season of Lent, or during missions or spiritual exercises, with a crucifix and a single sign of the cross, provided that the Bishop does not impart a similar blessing on the same day and in the same place, with an attached plenary indulgence, applicable to the souls of the departed, to be obtained by those who have received such a blessing after having confessed and received Holy Communion, and who have prayed piously according to the intention of the Supreme Pontiff.

[*Latin ed. p. 306*]

Acts of the Apostolic See. - Official Commentary. 306 % The privilege of offering a Mass for the soul of a deceased person, in his behalf, three times a week, provided that the priest associated with it does not possess a similar privilege from elsewhere. 3. A plenary indulgence, beneficial even to souls in Purgatory, which may be gained by priests associated with it as many times as they offer the Mass with the intention of fulfilling the desires of the Supreme Pontiff, after having been duly confessed. 4. The faculty of

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applying the Indulgences of the Holy Rosary, known as the Indulgences of the Crucified, may be granted, but only with the express consent of the local Ordinary in which this faculty is exercised, under penalty of nullity. Contrary provisions notwithstanding. M. CARD. RAMPOLLA. L. © S. f D. Archbishop of Seleucia, Ad S. O. V. EXTENSION OF INDULGENCES CONCERNING GENERAL ABSOLUTIONS OF THE THIRD ORDER OF THE MINOR FRATIARS OF ST. FRANCIS. Most Blessed Father, the General Procurator of the Order of the Capuchin Minor Friars, prostrate at the feet of Your Holiness, humbly explains as follows: By a Decree of the Sacred Congregation of Indulgences, dated January 16, 1886, the lay members of the Third Order of St. Francis, who are legitimately prevented from attending church, may receive the General Absolution on the designated feast days, which occur within the eight days of their profession. Furthermore, by another Decree of the same Sacred Congregation, dated July 21, 1888, the same lay members may receive the General Absolution the day before the feast, after having completed their sacramental confession. From these two Decrees, it is clear that the aforementioned indulgences were granted to the lay members of the Third Order of St. Francis for those General Absolutions which were listed in the index of indulgences of that Order at that time, or which were directly granted to them. But now, since these same lay members, by virtue of the Apostolic Letters of May 5, 1909, and the Decree of May 17, 1909, enjoy communion with all the indulgences and spiritual benefits of the First and Second Orders of St. Francis, and therefore, by virtue of this communion, also have the right to those General Absolutions and Papal Benedictions which are granted to the First and Second Orders of St. Francis; therefore.

[*Latin ed. p. 307*]

The Most Holy Congregation of the Holy Office. 307 The Orator humbly beseeches Your Holiness to deign to extend the aforementioned Indult, and the Decrees of the Sacred Congregation of Indulgences granted on January 16, 1886, and July 21, 1888, to the aforementioned Tertiary members, for general absolutions, which they themselves can obtain through the communication of indulgences with the First and Second Orders. And God, etc. June 12, 1913. Our Most Holy Father, Pope Pius, in the presence of the Most Reverend Father, Assistant of the Holy Office, graciously granted the requested favor, notwithstanding any objections. M. CARD. RAMPOLLA. L.C.S. f D. Archbishop of Seleucia, Assistant of the Holy Office. SACRED CONSISTORY CONGREGATION. DECLARATION. CONCERNING NEW LAWS ENACTED BY THE REPUBLIC OF SAN MARINO REGARDING ECCLESIASTICAL PROPERTY. The civil government of the Republic of San Marino, without any prior consultation with ecclesiastical authority, and indeed, even without any prior notice, on April 27, 1912, enacted a law, to which it added certain provisions

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for its enforcement, by which, arrogating to itself supreme dominion over ecclesiastical property, it claimed the right to grant or withhold such property to parish priests and others chosen by ecclesiastical authority; to occupy the same in the event of vacancies; and, indeed, once granted, to withdraw and sequester it, not only "if malfeasance or grave negligence" has occurred in its administration, but also "when it is necessary for reasons of public order"; and finally, in the event of vacation or sequestration of property, to allocate revenues for a purpose other than that originally defined. The aforementioned matter was brought before the Sacred Consistory Congregation by the Most Reverend Fathers, and finally, with the approval of Our Most Holy Father, they ordered that the following be declared and made public: "The aforementioned law and the added provisions for its enforcement constitute a violation of the rights and status that have been legitimately established in the Republic of San Marino for centuries."

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis. - Official Commentary. The Church was deeply offended, by the fact that, without any prior warning, without any plausible reason, a law was enacted and carried out. For the reason given to justify the protection of ecclesiastical property, it is clear that, either because the canonical laws, if freely and properly applied, are abundantly sufficient for the correct preservation and administration of ecclesiastical goods; or because many articles of laws and regulations contribute nothing to the preservation of goods, but rather aim to intimidate priests by the threat of deprivation or sequestration of goods, and to deprive them of their just freedom, and to subject them to the jurisdiction and arbitrary power of civil authority. Therefore, this same law, being unjust, harmful to the just freedom of the Church, and destructive of ecclesiastical discipline, cannot in any way be accepted by the Church, but rather, it is already condemned by the canonical laws, as is evident from article XI of the Apostolic Constitution, in which penalties are established for those who usurp or seize ecclesiastical goods. Given in Rome, at the Secretariat of the aforementioned Sacred Consistorial Congregation, on the 14th of June, 1913. C. CARD. DE LAI, Secretary. L. Ioannes Baptista Rosa, Substitute. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. DECREE. THE MISSION "OF PUTUMAYO" IS ESTABLISHED FOR THE INDIANS OF SOUTH AMERICA. Moved by apostolic zeal and paternal charity, and concerned to provide for the lamentable condition of the Indians inhabiting the vast regions of South America, Our Most Holy Father Pius, of divine providence, Pope X, in his encyclical letters of June 7, 1912, among other things, declared his intention to establish new missionary stations, in which the Indians themselves would find refuge and protection for their salvation. Now, beginning to implement

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this wise and salutary plan, he has decided and decreed to establish a new Mission, to be called "of Putumayo," whose principal station shall be in the place called La Chorrera, and which shall be under the governance and administration of...

[*Latin ed. p. 309*]

Sacred Congregation Consistorial. 309. The ecclesiastical ministry of missionaries from the Order of the Friars Minor of the Leonine Union is entrusted to the judgment of the Holy See. Therefore, by the mandate of His Holiness, this Sacred Congregation, dedicated to propagating the Christian name, establishes the Mission, as mentioned above, of Putumayo, through the present Decree, and assigns to it the territory which, by this same Decree, is detached from the widest region hitherto belonging to the Apostolic Prefecture of Saint Leo of the Amazons, namely, the area extending from the left bank of the rivers Aguarico, Napo, and Amazon, up to the point where the river Amazon enters Brazilian territory; to the north, the region of Chorrera with adjacent territories, reserving, in that part, a further description of the boundaries to be determined as the circumstances require. Given in Rome, from the halls of the Sacred Congregation for the Propagation of the Faith, on the 4th of October, 1912. Fr. H. M. CARD. GOTTI, Prefect. L. j $ S. C. Laurenti, Secretary. THE APPOINTMENT OF THE APOSTOLIC PREFECT. By Decree of the Sacred Congregation for the Propagation of the Faith, the following was appointed: June 24, 1913. — Apostolic Prefect of Betafo, Reverend Father Francis Joseph Dantin, of the Congregation of Missionaries "of La Salette." Sacred Congregation of Rites. LUGDUNI (Lyons), in GALLIA (France). DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, ANTONIUS CHEVRIER, PRIEST, FOUNDER OF THE "LA PROVIDENCE DU PRADO" ASYLUM, AND INSTITUTOR OF THE SOCIETY OF PRADOSIAN PRIESTS. Antonius Chevrier was born in Lyons, in Gallia, from honest and pious parents, Claudius and Margarita Frechet, on April 16, 1826, and was baptized two days later in the parish of Saint Francis of Sales.

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis. - Official Commentary. He attended the elementary schools of the Brothers, receiving instruction in the Christian faith; and later, in the school of the clergy of St. Francis and in the Argentorati seminary, he devoted himself to classical studies, being esteemed and well-regarded by his teachers and fellow students due to his outstanding qualities. From the years 1846 until the year 1850, he completed his theological studies with great distinction in the major seminary of Lyons; and on May 25th of the latter year, filled with a heavenly sweetness and joy, he was ordained to the holy priesthood. Soon after, he was sent by the Archbishop of Lyons to the parish of St. Andrew, where he performed

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the duties of a curate so well that he gained the esteem and affection of the pastor and the parishioners. Meanwhile, he founded a work for children to be brought to the sacraments for the first time in the place called Fourviere, and later he transferred it to La Guillotière and completed it, establishing a refuge with ample buildings and grounds, which was given the noble title: La Providence du Prado. Six years later, with the approval of the Archbishop of Lyons, Anthony was appointed as the pastor of the parish of the town of Moulin-à-Vent, in the diocese of Gratianopolis, where he founded two societies: one for the Sisters who serve the Prado, who, endowed with regular training and appropriate rules, and belonging to the Third Order of St. Francis, strive for religious perfection; the other for the priests of the Prado, for whose guidance and direction the Servant of God wrote a book entitled: "The Priest According to the Gospel, or the True Disciple of Jesus Christ." Finally, after patiently enduring a long illness that worsened day by day, he was refreshed with the sacraments for the last time, and comforted by the presence of his students and the apostolic blessing, he peacefully passed away on October 2nd, 1879, at the age of fifty-three, not yet completed. The reputation of holiness that Anthony had acquired during his life increased so much after his death that legal inquiries were initiated regarding him by the Ordinary authority in the ecclesiastical court of Lyons, and were brought before the Congregation of Sacred Rites. Now that all matters are ready for the legal process, the Reverend Father Ludovico Copéré, Promoter of the Cause of the Society of Mary, with the diligent letters of request from several most eminent Cardinals, several most Reverend prelates, Superiors General of Orders or Congregations, and other men of ecclesiastical or civil distinction, the Most Eminent and Reverend Lord Cardinal Dominic Ferrata, Promoter of the Cause, proposed the following question to be discussed in the ordinary meetings of the Congregation of Sacred Rites, convened on a designated day at the Vatican: "Should a Commission be appointed to introduce the Cause, in the case and for the purpose in question?" And the Most Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the Most Eminent Promoter, heard the voice and the written testimony of the Reverend Father Alexander Verde, of the Holy Office.

[*Latin ed. p. 311*]

& Congregation of Rites. 311. After careful consideration by all, it was decided to respond as follows: Affirmative, or to sign the document, if it pleases the Most Holy [Pope]. June 3, 1913. Subsequently, regarding these matters, the Most Holy Pope Pius X, through the undersigned Cardinal Prefect of the Sacred Congregation of Rites, received a report. His Holiness, having approved the aforementioned decree of the same Sacred Council, deigned to sign with his own hand the document for the introduction of the cause of the Venerable Servant of God, Anthony Chevrier, priest, founder

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of the asylum La Providence du Prado and founder of the Society of the Priests of Prado, on the 11th day of the same month and year. Fr. S. CARD. MARTINELLI, Prefect. f- * S. fPetrus La Fontaine, E p. Charyst, Secretary.

II. DECREE CONCERNING PRAYERS TO BE RECITED AT THE END OF MASS. Certain local Ordinaries presented the following question to the Sacred Congregation of Rites, for a suitable solution: Namely, considering the Decrees of the Sacred Congregation, number 3697, of the Order of the Ministers Capuchin, December 7, 1888, concerning the Conventual Mass without singing, and number 4271 of Bayonne, June 8, 1911, concerning the Votive Mass of the Most Sacred Heart of Jesus, celebrated on the first Friday of each month, and also a similar Mass, for example, on the occasion of First Communion, or General Communion, Confirmation, or Ordination, or for betrothed couples, can it be considered solemn; and can the aforementioned decrees be applied regarding the prayers to be omitted at the end of Mass, as prescribed by the Supreme Pontiff? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after careful consideration, decided to respond as follows: "Affirmatively, if the Mass is celebrated with some solemnity, or if, after celebrating the Mass, the celebrant leaves the altar, then immediately and properly follows some sacred function or pious exercise." And thus it responded and declared. June 20, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. © S. fPetrus La Fontaine E p. Charyst, Secretary.

[*Latin ed. p. 312*]

Acts of the Apostolic See. - Official Commentary. 318 SACRED ROMAN ROTA OF NEW YORK. Concerning Nullities. On the tenth day of July, in the year of Our Lord 1913, Anthony Perathoner, of New York, concerning the matter of marriage, represented by Joseph, in a cause concerning the definitive annulment of the marriage of Castellane and Gould. During the pontificate of Pope Albert, the Auditors of his Sacred Congregation, in the city of Tournon, in the year mentioned above, concerning the matter of a marriage, with the appeal of the companion of Boni Uppum Pacelli, on the first day of March 1913, the Most Holy Fathers and Doctors, Frederick, concerning nullities in Castellane, (Boni being defended by Anna Vinculi Gould, a contumacious defendant, with the lawyer Phiet intervening in his office), pronounced the following sentence. Count Maria Paulus Boni of Castellane, of Gallic nationality, in the city of Paris in the year 1894, met Anne Gould, a very wealthy American girl, who had come to Paris, and he subsequently followed her when she returned to America, and, having received some signs of affection from her, he asked her to marry him. She gave her consent to this proposal, and her brother (whose parents were already deceased) hastened the marriage preparations. However, Anne was devoted to the Protestant sect, which is called Episcopalian, and had not yet received baptism; the Count, Paulus, being attached to the

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Catholic religion, insisted that his bride be at least baptized. Therefore, she received baptism in her Episcopalian sect, four or five weeks before the marriage. Furthermore, having obtained a dispensation from the impediment of mixed religion, on March 14, 1895, in the city of New York, before the Most Reverend Archbishop Augustine Corrigan, the marriage was celebrated. For approximately eleven years, Count Paulus and Anne lived together in France, as legitimate spouses, and they had three children during that time. Finally, in the year 1906, when Anne believed that Count Paulus had broken his conjugal fidelity, she abandoned him, and she obtained a legal separation, and then a divorce, from a secular tribunal in Paris, and she joined another man, who, in order to be able to marry her according to the Protestant rite, abandoned the Catholic religion through apostasy. But, because Anne, whether before or after her marriage to Count Paulus Boni of Castellane, had said on several occasions,

[*Latin ed. p. 313*]

The Roman Rota. In the year 313, the law concerning divorce, which their sect permitted, is such that, if a wife is not made happy by her husband, and especially if he has broken the given faith, there is doubt as to whether her marriage with Anna is valid due to the lack of her consent. Therefore, with the permission of the Supreme Pontiff, she brought the cause of the nullity of her marriage before Our Sacred Tribunal, and in the first instance, she maintained that a condition had been imposed on the marriage by Anna, contrary to its essence. However, this condition was not sufficiently proven, and the Reverend Fathers Auditors in Tournon judged that, therefore, the marriage was not null. Nevertheless, the plaintiff appealed the judgment, and, after further instruction, a new judgment was instituted, in which Lady Anna Gould remained contumacious, because, duly summoned by Us, through the Parisian Court, she rejected the summons. Therefore, this cause now comes before Us to be judged, under the doubt: Whether the judgment of the Rota of December 9, 1911, should be confirmed or overturned in this case. The facts are as follows. When the advocate of the Count of Castellane, in the cause of the plaintiff, argues that there is no marriage due to the lack of consent on the part of the wife, Anna Gould, it is necessary for Us to carefully examine the arguments by which he affirms that the marriage is null. And since the evidence presented is merely testimonial, it is necessary to examine the truth, whether the facts asserted by the witnesses are true, or the authority of those witnesses themselves, so that We may safely decide whether, from those things which are proven in the facts, it can be established that a condition, or a purpose or intention existed in Anna Gould, from which the invalidity of the marriage arises. The plaintiff, in her introductory pleading, narrates the following: "On the aforementioned day, March 14, 1895, a quarter of an hour before the marriage was celebrated, Lady Anna Gould, already dressed in her wedding

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clothes, began to weep. When questioned about this by her brother, who was to be one of the witnesses, she replied: "I am weeping because, deep down, I do not know for what reason I am marrying, and if I want to marry." Her aforementioned brother was greatly surprised by this response, and then pointed out to her that it was too late to speak in such a way, and that it would be scandalous to fail to keep her word at this moment. And immediately, having recalled the other witness, that is, Mr. Giovanni, of the Princes of Drago, to inform him of what had been said to Lady Gould, she then said to both of them: "Very well! I will go before the Archbishop, because you tell me that I can do nothing else. But remember that I am marrying without knowing why; that I am..."

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis. - Official Commentary. "I was urged by Boni (that is, by the orator, Count de Castellane) to perform such an act too soon; I did not have sufficient time to reflect. In any case, I now intend to declare to you, and it is well that Boni knows this, and that you, Albert, know it as well, that I am Protestant and American, while he is French and Catholic, that marriage does not have the same meaning for us two, and that I am determined to abandon it and divorce, if it pleases me, and on the day that it suits me. We have this advantage over you Catholics, that is, we can remarry whenever we wish. And this is the reason why I do not intend to adopt your religion."

Three witnesses are presented by the plaintiff, who, before the marriage, heard from Anne Gould the intention of divorcing, and six who heard the same from her after the marriage, and who confirm the testimony of the former, and more clearly demonstrate what was Anne's intention. Three, to whom Anne manifested her intention of divorcing before the marriage, are: Count John de Castellane, brother of the plaintiff, Prince John del Drago, and Lady Catherine Cameron. The first of these, having been brought to court, presented a document in which the following is read: "I affirm that, the day before her marriage to my brother, Miss Anne Gould made the following statements to me: 'I am sorry to be marrying; and Boni has urged and pressed me so much that I yielded to him; what reassures me is that I can divorce; Boni believes that he will always keep me; he will only keep me as long as I want, and if he no longer suits me, I will divorce. I am Protestant, and I know that I can divorce whenever I want.' I then told her that she should become Catholic; and she replied to me: 'For nothing in the world, because if I became Catholic, I would not be able to remarry, and I want to be free to do so, whenever I want.' My mother, on several occasions, during our stay in New York, told me how much she found the feelings of Miss Gould to be distressing; she found these feelings so terrible that she wept hot tears the day before and on the very day of the marriage. Miss Ketty Cameron told me several times, during our stay, and especially during

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the last two days, how much she was astonished and frightened by the statements of Miss Gould, her friend. On the very morning of the marriage, Mr. Giovanni del Drago and I spoke of the state of mind of Miss Gould, and we were saddened to see my brother marrying a young woman who declared her intention to divorce whenever it pleased her. Mr. Giovanni del Drago even told me, on the morning of the marriage, that Miss Gould had charged him with warning my brother of her intentions to divorce. - (signed) Count Jean de..."

[*Latin ed. p. 315*]

The Roman Rota. 315 "Castellane." – Then the judge inquired of him whether the words he had heard from the lady Gould were indeed those, and whether he had informed his brother of them. To which he replied: "Those words struck me so deeply that I have retained an exact memory of them, and I recount them in the very way in which they were said to me. Miss Gould had not charged me with telling my brother. Did I speak to him about it? I believe so, but I cannot affirm it. But what I can say in a general way is that I dissuaded my brother from this marriage, because of the language and the attitude of Miss Gould." The judge then inquired whether, after the marriage, she had manifested the same intention to him. The witness replied: "To me personally, she did not repeat it, but I know that she was saying it to many people she saw, so that on the day she carried out her plan, I was not very surprised. I had even been warned to advise my brother." And then: "After the separation, I made every effort to bring her closer to my brother. She always replied to me that her plan was well laid out, that she intended to divorce and remarry." This witness, called to testify again and a third time, confirmed the same under oath, and, when asked by the judge, declared: "It was almost immediately after the marriage, upon her return to France, that Anna Gould said, on several occasions, to the Duke of Luynes, who repeated to me at that very moment that her intention was indeed to divorce, when it suited her; which she had also told me herself, before her marriage, as I have said in my previous depositions. After the marriage, Anna Gould did not expressly say to me: "I will divorce your brother," but when I spoke to her about becoming a Catholic, she replied that she would not deprive herself of the advantages of Protestantism, which, in particular, gave her the faculty to divorce."

Now let us hear John del Drago, who, as a witness, was present at this marriage, to whom the lady Gould also made known her intention to divorce. Here is how he recounts the matter: "At the ceremony, the father and mother of the groom were present. I know all of this from my own knowledge, and I can also add that, directly with me before the marriage, the mother expressed her displeasure at the marriage itself, and this because the bride did not practice any religion, so much so that she had not even been baptized; which was done in the Protestant church about a month

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before the marriage, and to make the marriage less bad. The father seemed less opposed, because he looked more at the side of interests. I remember that on the very morning..."

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis. - Official Commentary. "In Naila, where the marriage was to be celebrated, finding myself in a "room adjacent to the one in which the bride was (in the house of Mr. Giorgio Gould, the bride's elder brother, in whose house the marriage was being celebrated), I heard weeping and agitated speaking, to the extent that I could distinguish what was being said. Upon approaching, I was called by the bride herself, who, in a state of agitation, told me that she was not at all certain of the affection of the groom and feared doing wrong by marrying him; nevertheless, she explicitly declared that she was marrying on the condition of being free to divorce if she were betrayed by the groom, and for this reason, she asked me to clearly communicate this statement to the groom." The witness, when questioned whether others were present when Anne said these things, replied: "...There was one of the bridesmaids, whose name I do not recall; I do not know whether the groom's brother himself could have heard this declaration, but I believe he could have heard it, so that, when we discussed it together a few minutes later, it was not something new to him." The judge, questioning the witness again whether he had reported the condition imposed by the bride to Lord Boni of Civita Castellana before the celebration of the marriage, said: "I made (the communication) immediately before the marriage. The groom appeared very distressed and wounded in his religious feelings, but he did not consider breaking off the marriage in order to avoid a scandal; this communication was made by me confidentially to the groom, in a corner of the room, without the presence of others." He then affirmed that Anne, even after the marriage, used to repeat that she had done what she had truly done (namely, divorced) and continues: "I can add that I am convinced that Lady Anne Gould is a woman of strong, resolute, and self-willed character, and incapable of retracting from her ideas." Finally, he stated: "The only reason, as far as I know (why Anne obtained a divorce), was the infidelity of her husband. I know well that the American woman demands, more than any other, the fidelity of her husband. The married life lasted until a few months before the request for divorce... Lady Anne Gould experienced some pressure at the beginning of the engagement, and very much on the very morning of the marriage, despite the declarations made, regarding her lack of certainty about the groom's fidelity...; in view of the unhappy outcome of the marriage, I feel a scruple about having exerted pressure for the celebration of the marriage itself, overlooking, or, I say better, not weighing the importance of the condition imposed, namely, to divorce. I can add that all members of the family, who could not but hear what was happening on the morning

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of the marriage, being the house relatively..."

[*Latin ed. p. 317*]

The Roman Rota. 317 "It is said that they used means to have the marriage celebrated, despite the bride's hesitation, in order to avoid a scandal. This is my absolute and certain conviction." The third witness, to whom, as we have said, Anne Gould declared, before her marriage, her intention of divorcing, is Catherine Cameron, whom Anne had with her, for honor's sake. This woman testifies to the judge as follows: "I am certain that, before the marriage, in my presence and in the presence of several people, Mrs. Gould said that she would divorce, if she was not happy. She told me this in response to a question that I asked her about her marriage. I asked her if she was sure of being happy with Mr. de Castellane; her answer was: 'If he does not make me happy, I will divorce him.' In America, almost all young girls who get married have this intention of using divorce, if the marriage does not make them happy." John de Castellane and John del Drago not only reported Anne's words to the bridegroom immediately, but also to his father, who, in order to be present at his son's marriage, had come to the city of New York with his wife. And he recounts it in this way: "I attended the marriage. I thought it was my duty, so as not to make us look more ridiculous. On the very morning of the marriage, my son John and Prince del Drago came to tell me of a scene that had taken place between them and Anne Gould. The latter had told them very clearly that she was Protestant and that she would remain so, in order to have the faculty of divorcing whenever she pleased... that the marriage did not entail for her an irrevocable bond, and that she would leave him... It is needless to say how deeply affected and indignant I was by such words. We believed at that moment that perhaps she could be brought back to better feelings... and then things were so advanced, everyone had spoken so much about it, that we did not believe we could retreat. However, I did everything I could to have my wife ignore the words of our future daughter-in-law. What our daughter-in-law had said before the marriage, she often repeated after the marriage; and it was so little for her a mere remark, but rather an expression of a deliberate and settled will, that, in fact, eleven years after the marriage, she divorced her son." Therefore, the testimony of this witness, namely the words of her two sons, John and John del Drago, strongly confirms, indeed increases the credibility of, the intention that Anne declared before the marriage. What Anne had said to these two witnesses, was later also learned by the actor's mother, a most pious woman, Anne Maria Magdalena de Juigné, Marchioness de.

[*Latin ed. p. 318*]

318 Acta Apostolicae Sedis. - Official Commentary. In Civita Castellana, where certain individuals held the law of divorce in such high regard that

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they would not embrace the Catholic religion, lest they lose this right. To illustrate this, let a witness be heard, who, from the beginning, gave her reluctant consent to this marriage: "From the very beginning, I was opposed to the idea of my son's marriage to Miss Anna Gould. First, because she was Protestant, and secondly, because I did not approve of the Gould family, nor of the young lady herself." "Although this marriage did not please me, since it had been decided, I felt I had to attend it in New York. At the time of the marriage, I heard no remarks from Miss Gould, who, in any case, was very little in communication with me; but some time after the marriage, I learned that the day before, or the morning of the marriage, she had a scene in the presence of my son, Jean, the Prince del Drago, and Miss Cameron, in which she seemed no longer determined to marry, but added that, after all, if things did not work out, she would divorce." "It was a few months after the marriage that she herself told me the same thing, while I was with her at Rochecott; here are the circumstances: she had come to attend Mass in the chapel of the castle, and, as she was leaving, I thanked her, but she immediately said to me: 'I will never become Catholic, because I want to be able to divorce.'" "It was then that, (telling my son, Jean, about this reflection, which I found surprising), he told me that immediately before the marriage, she had made the same remark in his presence, which I have recalled above." Thus, before the marriage, Anna, with three witnesses, declared her intention to retain the right to divorce at will, a right she claimed for herself; indeed, given the occasion, she stated that after the marriage, she would repeat the same thing many times. This, which the witness above testified, is confirmed by the mother herself: "During the duration of the marriage, Anna Gould very often repeated this remark: 'I will divorce.'" "She said it to many people, in the most varied circumstances, sometimes in a joking tone, sometimes in a very serious and grave tone. It was a thought that she had long pondered, and a decision so firmly made that, in fact, she did divorce." "I remember that, speaking with her about unhappy marriages and the situation created for the children by divorce, she said: 'Oh! it doesn't matter; we'll sort out the situation of the children.'" And to the judge who asked whether the marital life between the spouses had been harmonious, she replied: "The marriage lasted for about eleven years. To the public, the life seemed peaceful; but in private, repeated scenes, stemming from Anna Gould, broke the tranquility of married life. Anna would even bite her husband."

[*Latin ed. p. 319*]

The Roman Rota. 319 But let us now hear other witnesses, to whom Anne herself, after her marriage, repeatedly expressed her sentiments regarding the possibility of divorce, which, before the marriage, she had said she would reserve for herself. Count John of Montebello testifies to the judge: "I did not attend the marriage. I have heard and repeated a statement that

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Anne Gould made to Prince del Drago, and which the latter repeated. She said: 'I am Protestant, and if I am not content with my husband, I will leave him, and I will start a new life.'" And, when the judge asked him whether he had heard the same statement from Anne and in what words it was expressed, he replied: "Anne Gould told me and repeated to me, and indeed to everyone, 'In America, it is very convenient; when the husband ceases to please, one starts a new life with another. And I would not be unhappy if I am not content with Boni.'" He further stated that it was for this reason, that Anne Gould had never wanted to convert to Catholicism. Anne made the statement that I have just reported in such a significant way, one day when I was at their home at the Château du Marais, that I believed I should warn Boni that day. The latter took this matter with a smile, and told me that he was relying too much on her affection to believe it. And he adds: "Our conjugal life lasted for about ten years. Anne Gould is of a difficult character. On the contrary, I can say that Boni always had a respectful affection for his wife, and if he had certain faults, he showed her the greatest respect in the eyes of the world." Finally, when questioned about the causes of the divorce requested and obtained by the woman, he stated: "The causes of the divorce are mainly the possibility of starting a new life. Anne Gould officially cited some minor indiscretions of her husband." Countess de Montebello, who was closely connected to Anne by friendship, testifies as follows: "I have very clearly in mind that, about five years ago, at the Château du Marais, Anne Gould, who had become Countess Boni de Castellane, at least twice mentioned the following statement to me: 'In my religion and in my country, it is much more convenient; one leaves one's husband when one is not content.'" And, when making this statement, she was responding to a reflection that I made to her, concerning her lack of conversion to Catholicism. "She had so little understanding of the Catholic marriage and the consequences it entails, that she did not hesitate to tell me: 'If my children, later on, do not fully satisfy me, I will deprive them of my inheritance.'" These reflections, which showed the false idea she had of marriage, her conception of it as a precarious contract, as a play in which one enters and from which one exits, caused me to...

[*Latin ed. p. 320*]

320 Acta Apostolicae Sedis. - Official Commentary. "She has always been concerned for the happiness of Boni of Civita Castellana. When 'the separation occurred, I was not surprised, I had expected it.' Then she continues: 'Anna Gould, during the duration of the marriage, was always in a bad mood when I was there, a wooden figure and unpleasant to her husband.' How much Anna Gould abandoned her marital home, and how little she performed the duties of a wife and mother, can clearly be understood from what this witness recounts to the judge. 'I do not know exactly (she herself said) all the reasons for the divorce. I believe that, at bottom, the main

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reason was that Anna Gould 'wanted to endure no obstacle, no direction, and to take her entire independence. I saw Anna Gould two and a half hours after 'the separation from her husband; I went to see her on behalf of her husband. 'She was kind enough to receive me; despite the categorical order 'that she had given not to let anyone up to her room, she 'received me in her hotel room (Bristol, if I am not mistaken, Place Vendôme); she was sitting in front of a table, with her 'dog on the rug of the table, a game of bridge spread out, and to her left, 'a rule of this game, she was looking for the solution to a difficult bridge case. I felt it was my duty to try, by all means, 'to stir in her soul whatever might remain of marital or maternal feelings. My sadness and dismay were very 'great, when I was reduced to conclude that, at the very moment when this 'young woman had just destroyed her home, she had not retained 'any idea of duty, no maternal feeling, and that, in 'the most profound calm, she was seeking the solution to a difficulty in 'bridge.' / Now let us hear the witness, the Marchioness de Talleyrand, who, although belonging to the Protestant Anglican sect, nevertheless wisely reproaches Anna Gould's way of feeling and acting. This witness, under oath, gives the following testimony: 'I did not attend the 'celebration of the marriage. Anna said to me, several times, but since 'the marriage: " If Boni does not behave properly, I will divorce 'and I will remarry." I told her that she was wrong, that if she could not 'live with her husband, she could separate, but that she 'should not divorce, and that she should not remarry. One day, when 'we were walking in the countryside, I said to her: " Your children 'are Catholics, you will pray yourself to become 'Catholic." She replied to me: " Never in my life, because if I 'became Catholic, in the case where Boni behaved badly, I would 'no longer be able to divorce." As I know Anna Gould, I believe that she was...

[*Latin ed. p. 321*]

The Roman Rota. 321 "was very much in love, and she would never have wavered, if he had been faithful to 'his duty'." In the preliminary examination, Anne Gould, the defendant in the case, who, after joining the Prince of Sagan, took the title of Duchess of Talleyrand, stood before the judge. She recounted the events pertaining to her marriage to the Count Boni de Castellane in a very different manner from what we have just heard from the witnesses. For example: "Being in Paris in 1894, I had the opportunity to meet 'Madame la Marquise de Castellane at Mademoiselle Reed's house. Madame la Marquise thought of me for her son, the Count Boni, who was introduced to me and paid me court. I returned to America, where I found the Count Boni, who had preceded me there and asked my brother for my hand, because I had then lost my parents. I accepted this marriage, I can say, freely." She then denied having said, before the marriage, those things that the witnesses attribute to her, concerning her intention to divorce. Regarding the time that followed the marriage, she stated: "During the first three

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years of my marriage, I do not remember having spoken of divorce. But, when difficulties arose, I several times threatened my husband with asking for a divorce. During the third year of my marriage, suspicions arose in me concerning the fidelity of my husband, which were confirmed by letters that were addressed to him by a woman and which I found. It was then that I truly had the idea of separating and I spoke about it to several people. However, I waited for a few more years, and finally, in 1906, as far as I remember, I asked for a separation of bodies; and then, at the instigation of my lawyer, who is now deceased, I asked for a divorce." And again, when questioned by the judge as to whether, at the time of the marriage ceremony, her will was to remain united to her husband perpetually, or rather, to divorce at her pleasure, she replied: "At that time, I was still very young (the judge had said that she was, in fact, thirty years old in 1910); the thought of the possibility of a second marriage did not even occur to me. I said 'yes,' because I was getting married as one ordinarily gets married. I thought of nothing else." To this testimony, the judge added this annotation: "Paris, July 1, 1910. The defendant initially refused to take an oath on the Gospel, saying that she had never done so, and adding that she would certainly tell the truth, which she repeated by lightly touching the book of Gospels with her fingertips." In the things that Anne testified in court, five lies are found, two of which are confirmed by irrefutable documents, and three of which are confirmed by testimony.

[*Latin ed. p. 322*]

3m Acta Apostolicae Sedis. - Official Commentary. Firstly, there is the tender age, barely 15 years, which Anne herself stated, when she contracted marriage in New York with the Count Boni of Castellane. However, when she was questioned in court, namely in July 1910, she stated that she was only thirty years old; but, on the contrary, documents from a certain purchase contract, stipulated by her shortly after the marriage, demonstrate that at that time, she had already reached the age of majority, and therefore the argument of the defender, drawn from the tender age of the bride, completely fails to prove the unlikelihood of the intention of divorce being proposed in her case. Secondly, it is asserted that she received an education entirely contrary to divorce, and that she maintained the same opinion for many years after the marriage. On the contrary, from the records of the new instructions, it is clear that there were other divorces in her family. Furthermore, from the testimony of witnesses, it is proven false that Anne asserts that she was designated by the Marchioness of Castellane to be the wife of her son, Paul, when she first met her in Paris; for, from the testimony of the actor's mother and others, we know that this mother gave her consent to her son's marriage to Anne with great reluctance. And if, from the testimonies of three witnesses, Anne's declaration before the marriage, regarding her supposed right and her intention to divorce, whenever she

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pleased, has been reported to us, it is strongly affirmed that she made the same declaration after her marriage; and not only within a few years of the marriage, when, as she herself says, she first discovered her husband's infidelity, but also before that time, indeed, shortly after the marriage. If this does not seem sufficiently proven by the testimonies that we have presented above, let us hear again the mother of the actor, who, in the second instruction, was again questioned and more distinctly by the judge, and who testified. The judge asked her: "Is it true, as one of the witnesses testified, that you said, in New York, on the occasion of the marriage of the Count Boni, your son, that you found the sentiments of Miss Anne Gould distressing?" She replied: "It is true that I said in New York (before the marriage of my son) that I was saddened by the sentiments expressed by Miss Anne Gould in the following circumstances: it often happened that, in worldly conversations, and in connection with the introductions of young women, who did not bear the name of their mother, because that mother was divorced and remarried; all of this Protestant world approved of the divorce, and Miss Anne Gould seemed to find it quite natural. I was therefore saddened to think that my future daughter-in-law was being raised with these ideas, that she approved of divorce, and precisely... a person very closely connected with the Goulds, the mother of Madame Georges Gould, was in this situation of a divorced woman."

[*Latin ed. p. 323*]

The Roman Rota. 323 The judge: "Is it true, as the same witness testified, that 'on the eve of the marriage, you wept with bitter tears, because of these sentiments'?" The woman replied: "It is more than true; not only did I weep, but I had a crisis of despair so great that it required the intervention of my second son and my husband to prevent me from going to the Goulds' house to utter words that would have prevented the marriage. I am truly sorry for not having followed my first impression." The judge inquired: "If the sentiments of Miss Gould distressed you and caused you to weep, how did you come to know these sentiments, given that in your initial examination, you stated: 'I did not hear, at the time of the marriage, any remarks from Miss Gould, who, moreover, was very little communicative with me'?" The woman replied: "In my initial examination, I was asked if, before the marriage, I had heard Miss Gould say that she would divorce. I did not hear her say that; however, it was evident from all the conversations held before her, and by her, that she approved of those who divorced and that she considered it perfectly natural to make use of this faculty. My son Jean heard her say: 'If I am not content, I will divorce.' I did not hear her make that remark. As I have said, she spoke very little with me, and it was based on her conversations that I judged her." Finally, the judge: "In your initial examination, you reported a conversation in which Miss Gould would have declared to you that she wished to be able to divorce; did Miss

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Anna Gould make similar remarks to you in the first three years of her marriage?" The witness stated: "In my initial examination, I recounted how, at my home, after leaving the chapel where she had just attended Mass, my daughter-in-law said to me: 'I would gladly become Catholic, if the Catholic Church accepted divorce.' She said this to me four months after her marriage. I told my son Jean of the sadness that this remark caused me. It was then that he told me of the remark made by Anna Gould on the eve of the marriage. I add that my daughter-in-law had no grievances against her husband when she expressed this desire to use divorce. I add that Miss Gould says she was raised with ideas contrary to divorce. However, in her family, of five married children, three are divorced, and one has married a woman who was already married." Furthermore, it is said that Anna did not speak only three years after the marriage, but even at that time, when her married life was still being peacefully conducted, she often spoke of divorce, as if it were a right belonging to her.

[*Latin ed. p. 324*]

324 Acta Apostolicae Sedis. - Commentarium Officiale. there exists another very serious testimony, namely that of the Duke of Luynes, who was questioned once and again, that is, in the first and second stages of the proceedings. The first time, he testified as follows: "During their common life and before there were serious disagreements between the spouses, the young woman had frequently mentioned the word 'divorce' in the most trivial circumstances. She told me several times, to me personally, that the day she would have had enough, she would divorce, that it was commonly done in America, and that her Protestant religion, which she had wanted to maintain, perfectly allowed for divorce and remarriage; she said explicitly: 'When one no longer agrees, one divorces, and one changes husbands.' She repeated it so often that I felt I should speak to her husband about it, who at the time did not consider that these were serious words." Then he continues: "For a few years, their common life appeared peaceful between them, at least outwardly, although the young woman often seemed in a bad mood, like a spoiled child. When disagreements seriously arose between them, I was charged, by my friend Boni de Castellane, with an attempt at reconciliation, with her wife. In the conversation I had with her, I understood that what I had previously considered to be mere jests on her part, was the real expression of her thoughts. She then said to me: 'You never wanted to believe that I had not adopted your stupid French ideas, and that I had always retained my American ideas, authorizing me to divorce when I wanted. This is even the main reason why I did not want to become Catholic.' When I spoke to her about her children, who would suffer later from this divorce, she replied that in America, one was not accustomed to sacrificing oneself for one's children, and that, moreover, she had never had developed maternal feelings. I then understood that in the face of such

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sentiments, there was nothing to be done." In the second stage of the proceedings, he added: "It was very shortly after her marriage, no more than a year, that I heard Anna Gould express her ideas about divorce, and say that it was natural and legitimate to use it, that it was commonly done in America, and that it was very good. She was not yet announcing her intention to use it for herself, but it was very clear to me, from her words, that the day she would be tempted to use it, she would not hesitate. She was so accustomed to talking about divorce that one wondered if this idea was not a fixed idea in her mind." The witness then recounts that, on one occasion, he and the Count of Boni de Castellane, having...

[*Latin ed. p. 325*]

The Roman Rota. For the sake of justice, they crossed the sea, and their small vessel, through misfortune, was in danger, and they were taken aboard another ship, and were returned to their wives, who from afar had witnessed the danger of their ship from another vessel. But the lady of Castellane, instead of rejoicing at the safety of her husband, became angry, saying that everything had been arranged in advance, and that her husband was to have a meeting with a woman on that ship. And immediately she spoke of sending a dispatch to secure places on a ship bound for America, because she wanted to divorce. She had only the word "divorce" on her lips. Now let us hear the witnesses for the opposing side, namely those brought by Anne Gould to testify, that she had never spoken of divorce, either before the marriage or in the three years that followed. She herself brought forward six witnesses, namely three brothers and three sisters. Her brother Howard Gould was questioned in Paris, while the others were questioned in the city of New York. The former testified to the judge as follows: "I declare that I never heard my sister make any remark that indicated that she wished to free herself from the obligations that marriage imposed upon her; and, on the very day before the marriage, she told me that she loved her fiancé very much, and that she hoped that nothing would ever separate them; and the entire family of Miss Gould felt the same way, and had the same impression." Then he continued: "I never heard my sister, after the marriage, say that she intended not to fulfill all her obligations, and she never gave me any reason to suspect, until her separation from Mr. de Castellane, that she intended to separate from him." And when asked by the judge whether the conjugal life between the spouses had been peaceful, or not, for as long as it lasted, he replied: "I had no opportunity to see the household during their common life. I never suspected that there were any storms. The common life lasted for about twelve years. From time to time, I received letters from my sister, and she never spoke to me of any difficulties." About six years ago, she came to America with her husband, and they both seemed perfectly happy." Another brother, George Gould, was questioned by the judge:

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"Do you know, or have you heard, whether Anne was willing, before the marriage, to assume all the obligations that the Catholic Church imposes on married people?" He replied: "I believe so. She had long conversations with Monsignor Corrigan." Again: "Did you hear, either from your sister or from others, that she expressed the intention of being free and of abandoning her husband, or of divorcing him, whenever it pleased her to do so?" He replied: "Never." Another brother, Edwin Gould, when questioned by the judge,

[*Latin ed. p. 326*]

326 Acta Apostolicae Sedis. - Official Commentary. In the same manner as his brother George, he responded. Anne, the sister of Editha Kingdom Gould, answered the first question: "She willingly 'assumed all the obligations';" and to the second question, she also responded: "Neither from her nor from others." Alice, the sister Addie Woordward Adams, answered the first question: "As far as I know, 'she was certain that she had assumed all the obligations';" but to the second: "I did not hear it; on the contrary, she told me that she did not believe in divorce." The witness from Autun, Editha Montgomery Grane, also Anne's sister, answered the first question: "I cannot answer this question, because 'I have never conversed with Anne Gould on this subject';" but to the second: "I can say that she told me the contrary." From the answers given by these witnesses, it appears that they were not very well informed about the matters on which they were questioned by the judge, that is, about Anne's intentions and feelings, and therefore, like George, Edwin, and the sister Edith, they are merely negative witnesses. The other two sisters, Addie and Editha, speak less definitively regarding the first question. Addie says: "As far as I know," etc. Editha says more clearly: "I cannot 'answer'," etc. However, regarding the second question, they testify more precisely, stating that they heard the opposite from Anne, but they do not recount the words, nor do they specify the time. But this is truly the case in Howard's testimony: "...on the very eve 'of the marriage, she declared to me'," etc., etc. But this one witness, whose reliability we have not been able to ascertain, cannot invalidate so many and such contradictory testimonies, especially given the specific circumstances communicated by the main witnesses, who, by the very archiepiscopal court of Paris, are commended for their integrity, and who, therefore, remain authoritative, despite these contradictions. Nor do these discrepancies or disagreements among the witnesses greatly undermine their authority; these are scrutinized and carefully considered by the defender of Saint Vincent in the initial judgment, and to which he adds weight. Although there are discrepancies, they are in mere accessory circumstances; regarding the main fact, there is agreement among the witnesses. Those who testify about the time before the marriage are fully in agreement that Anne declared that, if she did not find happiness in her

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marriage with Boni de Castellane, she would want a divorce, a possibility granted to her by the episcopal sect to which she adhered; especially if her husband were not to preserve conjugal fidelity. This same intention or purpose, that Anne had expressed this six hundred times throughout the time that followed the marriage, that is, from the first months until its abrupt end, is unanimously testified to by the other witnesses, which is precisely what we were inquiring about. If a greater discrepancy appears between the testimonies of the witnesses and the complaint of the plaintiff and his assertions...

[*Latin ed. p. 327*]

327 The Roman Rota's decision can be explained; for the document, as the initial opinion states, "does not always signify the true truth of the facts, since it is often written by an advocate, in order to prove the proposed action, rather than by the plaintiff himself." And in our case, as we know from the witnesses, the plaintiff, Anne, was so blinded by her love that she disregarded the importance of her husband's intention to seek an annulment. Furthermore, it is worth remembering what Saint Thomas says about circumstances surrounding testimonies: "If there is a disagreement among witnesses in some circumstances that are not essential to the substance of the fact..., such a disagreement does not prejudice the testimony... indeed, some disagreement in such matters makes the testimony more credible, as Chrysostom says in Matthew" (IIIl quaest. 79, art. 9). Pope Benedict XIV fully agrees with this, writing: "It is sometimes necessary that there be some disagreement among witnesses, not in the essential matters, but in the accidental ones; indeed, if there is complete agreement, both in the essential and in the accidental, this does not necessarily inspire confidence, but rather diminishes the credibility of the witnesses" (De Can. et Beat. Sanet., lib. III, cap. 7, n. 10). This is especially true when the witnesses must testify about events that occurred in the distant past, as was the case in our instance, where sixteen years had passed between the marriage of Anne and Boni of Civita Castellana and the beginning of the proceedings. Furthermore, some contradictions that appeared to exist among the witnesses in the previous summary, which the initial opinion carefully noted, have been clarified in the new testimony, so that it now appears that they did not actually exist. One might ask whether Anne, in the first trial, stood against her husband, Paul, solely out of love for the truth, defending the validity of her marriage, so that neither her husband nor the other man to whom she later attached herself would lose their freedom. However, serious doubts are raised for us by what is reported about Anne's feelings towards her husband, the plaintiff, based on the testimony of two witnesses. For example, Aloysius Morel, a witness in the case, among other things, testified: "She [Anne, that is] harbored an implacable hatred for the Count of Civita Castellana, and this was due to intrigues that manifested themselves

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around her." And then: "...she replied to me: 'I detest the name of Civita Castellana, and I will do nothing to defend it.'" And the Marchioness of Talleyrand, who, as the wife of the brother of the Prince of Sagan, with whom Anne now lives, should certainly know her well, spoke of her in this way: "She is an honest woman, but she has a very demanding character; she demanded from Boni what he could not give her; on the other hand, she is very vindictive; she is vindictive by heredity; she loves revenge, and she will pursue it until the death of the one who wronged her." Later: "Boni..."

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis. - Official Commentary. "She has been wronged, but she has avenged herself with ferocity, and she will continue to do so 'until the end.' If she had been more lenient, and if, in the face of her husband's wrongs, she had withdrawn to her home with her children, the whole world would have been at her feet, and she herself would have been rejected. But today, opinion has changed, and Monsieur de Castellane has become more 'interesting.' "

"Anna Gould, as I have heard, will do everything possible to prevent Boni from regaining his freedom."

Concerning what pertains to law. Marriage, which was originally instituted by God as indissoluble, Christ the Lord, the restorer of fallen human nature, restored to its original state, which it had also lost among the Jewish people, and at the same time raised it to the dignity of a sacrament of the new law; so that the very nature of the matrimonial contract, among the baptized, is not, in reality, distinguished from the nature of the sacrament. Therefore, every cause which renders the contract null, also renders the sacrament null, and vice versa; and since every contract is effected by the will of the contracting parties, if something is lacking in the will, or in the will of one of the contracting parties, which is necessary to make the contract, then that contract is null. But with regard to marriage, especially as it is a sacrament, indissolubility is necessarily, indeed substantially, involved, and therefore the doctors call it the good of the sacrament. If, therefore, anyone were to wish to enter into a marriage that is dissoluble, he would wish for something that cannot exist, and therefore he would wish for something absurd. We said: if someone wishes, and not if someone does not know, that indissolubility is essential to marriage. Because, although someone may ignore this, or even mistakenly believe that marriage is naturally dissoluble, he could nevertheless validly contract marriage, if he has the will, at least implicitly, to enter into a marriage in the way that it was instituted by Christ the Lord; for ignorance and error affect the intellect, whereas, as we said above, marriage is perfected by the will; and therefore, to use the words of Cardinal De Lugo, "in the case of a simple error, there is only one and sufficient act of the will; but in the case of an intention not to be bound, there are two acts of the will that destroy each other; therefore, there is consent

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in the one case, but not in the other" (De Sacram., disput. VII, sect. 8). Nor should anyone say that the act of rejecting the obligation of indissolubility is absorbed by the more general act of making a marriage, because, as the plenary sentence of the Council of Nice rightly notes, before the Most Holy Mother on January 24, 1911, "the act of rejecting the obligation, being more specific, certainly prevails over the more general act, because the species derogates from the genus, according to rule 34 of the Civil Code, which is valid in all of law, and especially in contracts, as Reiffenstuel notes, De regulis iuris, cap. % reg. 34, n. 9-12"; and also because, as La Croix rightly notes, "among two contrary intentions, that one is of..."

[*Latin ed. p. 329*]

The Roman Rota. 329 "The present circumstance prevails, which essentially excludes the other; but, 'among these intentions, the later one excludes the former; therefore, etc.'" (Moral Theology, Book VI, Part III, Chapter III, no. 251). Therefore, a marriage cannot stand if it exists simultaneously with a will, or even with the will of one of the contracting parties, which is positively contrary to its indissolubility, because in such a case there would be a lack of consent, or it would be merely fictitious and simulated. And this is true, regardless of how this will is expressed, whether through a condition, or through a simple intention or purpose, or under a mode or cause to which consent is attached; it must always be deduced into a pact; for it is always the case that the will is lacking (Cf. De Angelis, Preface I. C, Book IV, vol. 5, no. 7). Nor does the distinction, which sacred jurists place between the will not to assume an obligation and the will to assume an obligation but not to fulfill it, relate to the indissolubility, or the good of the sacrament, a distinction which is given for other essential goods of marriage, as St. Thomas states, and with him, Sánchez (Book II, Disp. 29, no. 12). However, a will contrary to the good of the sacrament is never presumed, nor is it believed by the person asserting it in the external forum, unless it is fully proven, because the cause of marriage always enjoys the favor of the law. These things, which we have said thus far, are explorations of the law, and have been extensively proposed and explained by doctors, whether canonists or theologians. It is sufficient here to indicate some passages that should be referred to: St. Thomas, in IV, Dist. 31, q. I, art. 3, in corpore; Sánchez, De Matrim., Book II, Disp. 29, no. 11, 12, 14; Book V, Disp. 12, no. 5; Gonzalez, in titul. De conditionibus appositis, cap. 7, no. 9; De Lugo, Disp. schol., De sacram., in gen., Disp. 8, sect. 8, no. 121; Tamburini, De Matrim. I. VIII, tract. 4; Pontius, inappend. ad tract, de matrim., Book 9, Part 2, no. 11 (where he asks: "If a heretic is in error, so that he believes marriage to be of a 'dissoluble' cause, and that it is permissible to file for divorce, as formerly in the law before Christ,' what will happen?"). To this question, he responds in the following terms: "...if, indeed, he expressly intends to contract in this way and no other, whether

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he 'explains' this intention or 'retains' it in his mind, there is no marriage." La Croix, Theol. Mor. L. VI, Part 3; De matrim., cap. II, nos. 250, 251, 252, 253, 254, 255 (where the author addresses a case similar to ours, in which, although it deals with a condition, it also deals with intention). And from more recent authors: Gasparri, De Matrim., vol. II, nos. 919, 1014 et seq. (ed. 3); Wernz, Ius Decret., vol. IV, Part I, no. 52 and Part II, no. 312, note 44 (ed. 2); Ballerini-Palmieri, Opus morale, i. 6, no. 498 et seq.; Lehmkuhl, vol. II, no. 879 et seq.; D'Annibale, Part II, nos. 303 and 412; Noldin, De Sacram., no. 569; and N. S. O. in Nicene Council, January 24, 1911, ACTA, vol. V, no. 11. — 7-7-913. 23

[*Latin ed. p. 330*]

Acta Apostolicae Sedis. - Official Commentary. 330 before Many; in Montispessulana, on December 13, 1912, before Monacen.-Friburgen., on July 24, 1909, before Mori, no. 8. We readily agree with the preceding opinion, which states: "... the witnesses unanimously agree that Anne had asserted, both before and after the marriage, her right to leave her husband if he should prove unfaithful or otherwise displeasing to her, and that this right belonged to her by virtue of the Protestant sect to which she adhered, and that she would not abandon this sect, lest this same right be taken away from her." And then: "Indeed, the witnesses testify that it was Anne's intention to leave her husband if he should prove unfaithful, a right she claimed as a member of the Evangelical sect." And later: "Indeed, they are not speaking of the actual and true condition agreed upon by Anne in the contract; but of her intention freely and willingly to use the faculty of divorce, which the tenets of the Protestant sect granted to her." (Cf. the appealed opinion, near the end). But we do not agree with the opinion that concludes from these premises: "That a clear error of law is contained in these terms." And it seems to us that what is reported from the Most Reverend Cardinal Gasparri does not apply to this case, where he explains the error of law (nos. 902-903, ed. 3); but rather, what the same author adds there applies: "But if the contracting party, by a clear act of will, or by the true state of mind, truly excludes that property, the marriage is invalid." And what is stated more clearly below (no. 919): "If the contracting party does indeed intend to enter into marriage, but at the same time has an explicit and positive intention not to bind himself in any way... saying, not merely interpretively, but positively in his mind: 'I want to enter into marriage, but I do not want to grant the other party... a perpetual right...' it is clear... that the marriage is entirely invalid due to lack of consent." How can a simple error of law be admitted, when there is present an intention, which "is an act of will tending towards a certain end?" (St. Thomas, I-II, Q. XII, Art. 1). "He who has the will," says Lehmkuhl (vol. II, no. 879), "to enter into another marriage afterward, contracts a marriage that is invalid, because he does not want to grant the other party a perpetual right,

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which is nevertheless essential." Nor do the statements of Benedict XIV, De syn., I. 13, c. 22, no. 7, which are also cited in the preceding opinion, favor the validity of this marriage. For there, concerning those who contract marriage with an error of law, but who positively strive to undermine the indissolubility of marriage (even if they have a presumed intention not to enter into marriage, if they were otherwise inclined), the Pope says: "... there is a presumption that, since they intended to enter into marriage, as Christ instituted it, it is entirely perpetual, and, even in the case of adultery, indissoluble."

[*Latin ed. p. 331*]

S. Romana, Book 3, Chapter 331: "Those who wish to contract a marriage, according to the institution of Christ, must do so with a general will, as we have said, and this must not be absorbed by the first error; otherwise, the marriage will remain valid and firm." However, if someone contracts a marriage with an express intention of divorcing, and adultery subsequently occurs, then the theory of presumption, or the prevailing general will that absorbs the private error, cannot, as is evident, be invoked, because presumption yields to truth; rather, the doctrine that the same Pontiff expounds there applies: "Whoever wishes to contract a marriage must, of necessity, also will its essence; therefore, if those who are entering into the marriage covenant impose a condition contrary to that essence, it is certain that they do not truly consent to the contract of a true marriage." Nor can we agree with what is found in the previous opinion, namely: "An intention... of doing something does not necessarily imply a conditional consent, and in doubt, who is presumed to have contracted? Unless it is clearly evident that a condition exists, especially if the condition is opposed to the essence of the contract, as considered by Benedict XIV in the cited passage." Here, the previous opinion seems to take the term "condition" in a stricter sense, or only insofar as it is a suspensive condition, so that this alone, and not the intention contrary to the essence of the marriage, can render the marriage null, which is certainly not the case. The meaning of the word "condition," according to Benedict XIV, is the same as that which is attributed to the same word in the Decretals, Book IV, Title 5, chapter concerning conditions imposed in betrothals or other contracts, where the condition is taken not in a strict sense, but in a demonstrative sense, and not in a strict sense, but in a broader sense, or for any act of will by which a positive essential good of the marriage is excluded. An example can be given from the cited chapter, last paragraph. There, the condition: "I will marry you, unless I find someone else richer in honor or fortune," is not properly a condition, but rather a modus that is contrary to the essence of the marriage (Cf. Santi, Prael. I C, Book IV, Title 5, n. 39; and De Angelis, Book IV, Title 5, n. 5). Thus, Cardinal Gasparri also interprets this passage, who, after quoting it (De Matrim., vol. II, n. 920), continues: "Furthermore, this intention of excluding or limiting

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the essence, etc." Now, applying this doctrine that we have expounded to our case, we declare that if Anne Gould, before the marriage with Boni de Castellane, had the intention or purpose of not contracting an indissoluble marriage, but of reserving the faculty of divorce for any reason, and of retaining this will in the act of marriage, at least virtually (and it is not permissible to doubt this will, given what we have extensively explained in the facts), then she certainly did not give true consent, but a simulated one.

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis. - Official Commentary. and therefore, the marriage was invalid. However, we do not believe that the cohabitation lasting eleven years between the betrothed, and the union freely admitted by Anne, could, in this case, have healed the defect of consent. For Anne to have been able to do this, it would have been necessary that she had known the nullity of her marriage, and that she had wished to validate it; and this must be proven, because the validation of marriage is not presumed. But, in this case, it is demonstrated that Anne was ignorant that her marriage was null, due to her own intention of divorce, from the sect to which she adhered, or from the error in which she was found; and that she did not wish to validate it, even if she had known of the nullity, is demonstrated from her intention, repeatedly expressed after the marriage, throughout the entire time that the common life lasted. Therefore, having diligently considered and examined all these things, We, the undersigned Auditors, sitting for the tribunal, and having only God before our eyes, invoking the name of Christ, We decree, declare, and definitively pronounce that the answer to the proposed question must be: Negative to the first part, affirmative to the second part, or that the Royal Sentence of December 9, 1911, must be declared invalid in this case. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to carry out this Our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV, De Ref. of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on March 1, 1913. Fridericus Cattani, President. Antonius Perathoner. Iosephus Alberti. Sac. T. Tani, Notary of the Holy Roman Rota.

[*Latin ed. p. 333*]

Secretariat of State. 333 SECRETARIAT OF STATE LETTERS.

I. TO THE REVEREND CANON PANNI, BR, WHO, AS A MARK OF RESPECT TO THE MOST HOLY FATHER, PRESENTED THE "NOUVEAU PSAUTIER DU BRÉVIAIRE ROMAIN."

Monsieur le Chanoine, The Supreme Pontiff has been deeply touched by

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the tribute you have paid to him with your *Nouveau Psautier du Bréviaire Romain*, and expresses his particular satisfaction to you. You have sought to align yourself with the intentions of the Holy Father and to foster a love for liturgical prayer by facilitating its understanding through a faithful translation, and through commentaries that are both concise and yet not dry, demonstrating an erudition that is both assured and insightful. Your undeniable competence in the scriptural sciences was the best guarantee that this work, no less delicate than opportune, would do honor to its author and to that illustrious theological faculty of Lille, which counts you among its most distinguished members. His Holiness is pleased to offer you her warmest congratulations and sends you, from the depths of her heart, the Apostolic Blessing. It is my pleasure to offer you my personal congratulations and to express to you, Monsieur le Chanoine, my most devoted sentiments in Our Lord.

June 14, 1913.

R. CARD. MERRY DEL VAL.

II. TO THE REVEREND FATHER J. LINTELO, S.J., BECAUSE OF THE NUMBERS OF THE PERIODICAL "ACTION EUCHARISTIQUE" ALREADY PUBLISHED, AS A MARK OF DEVOTION TO THE MOST HOLY FATHER, THEY WERE REVERENTLY OFFERED.

My Reverend Father, The Holy Father, Pope Pius X, has received with special benevolence the filial tribute of the numbers of the bulletin, bearing ecclesiastical approval, which you publish under the title *Action Eucharistique*.

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis. - Official Commentary. These interesting pages, simple and practical, in which you have proposed to make known to the clergy the most salutary decisions of the Eucharistic Decrees of the Supreme Pontiff, particularly the Decree *Quam singulari*, will contribute to dispelling prejudices, enlightening many consciences, and exciting priestly zeal for the application of the Decrees concerning Holy Communion. His Holiness congratulates you on your noble efforts and your zeal in the eucharistic apostolate, and, with His paternal encouragement, He sends from the heart to you and your collaborators the Apostolic Blessing. I am very grateful for the copies that you have graciously offered me, and I pray that you will accept, along with my congratulations, my Reverend Father, the assurance of my devoted sentiments in Our Lord. June 23, 1913. R. CARD. MERRY DEL VAL. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. ORDINARY AND PARTICULAR CONGREGATION. On July 1, 1913, in the Apostolic Palace of the Vatican, the Ordinary and Particular

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Congregation of Sacred Rites was held, in which the following cases were presented for the judgment of the Most Eminent and Reverend Cardinals who comprise the same:

1. Regarding the validity of the Apostolic and Ordinary Processes constructed for the cause of beatification and canonization of the Venerable Servant of God, Mariano da Rocca Casale, a lay professed of the Order of Friars Minor.

2. Regarding the validity of the Apostolic and Ordinary Processes constructed for the cause of beatification and canonization of the Venerable Servant of God, Giuseppe Amando Passerat, a priest professed of the Congregation of the Most Holy Redeemer.

3. Regarding the validity and significance of the Apostolic Process constructed in the Curia of Vannes concerning the reputation of sanctity, life, and miracles in general of the Venerable Servant of God, Catherine de Francheville, foundress of the Sisters Daughters of the Blessed Virgin Mary, of the retreat of Vannes.

4. And finally, regarding the cult, in obedience to the Decrees of Urban VIII, never previously paid to the Venerable Servant of God, Sister Angela Maria della Concezione, reformer of the nuns of the Order of the Trinity, in nella.

[*Latin ed. p. 335*]

Diarium Romanæ Curiae. 335 SECRETARIATUS STATI. NOMINA. Per tramite dei biglietti del Secretariatus Stati, Sanctissimus Pater dignatus est nominare: 28 Iunii 1913. — Dominum Cardinalem Benedictum Lorenzelli, Protectorem Archiconfraternitatis Sanctorum Ioannis et Petronii de Bolognesibus. — Dominum Cardinalem Gaetanum Bisleti, Protectorem Archiconfraternitatis Sanctæ Mariæ de Orto in Roma. Per Brevia apostolica, Sanctissimus Pater dignatus est nominare: Protonotarios Apostolicos instar participantium: 10 Iunii 1913. — Reverendissimum Dominum Sebastianum Nicotra, ex archidioecesi Cataniensi. 24 Iunii. — Reverendissimum Dominum Ersilium Menzani, vicarium generalem archidioecesis Bononiensis. 27 Iunii. — Reverendissimum Dominum Antonium Padilla, ex dioecesi Novae Segoviae. Praelatos Domesticos S. S.: 19 Iunii 1913. — Reverendissimum Dominum Carolum Vorlicek, archidiaconum Kutuá Horae, in dioecesi Königgratziensi. 21 Iunii. — Reverendissimum Dominum Henricum Iacobum Grosch, ex archidioecesi Westmonastensi. 22 Iunii. — Reverendissimum Dominum Ioannem Mariam Ippolitum Perretant, supremum seminarii majoris dioecesis Belleiensis. — Reverendissimum Dominum Ioannem Ludovicum Ippolitum Sanvert, vicarium generalem eadem dioecesi. 24 Iunii. — Reverendissimum Dominum Adrianum Zecchini, subsecretarium Sacræ Congregationis de Propaganda Fide. 28 Iunii. — Reverendissimum Dominum Ludovicum Vidos de Kolta, canonicum cathedralis Sabariensis

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(Hungaria). Per tramite bigliettorum Secretariatus Stati, Sanctissimus Pater dignatus est nominare: Camerarios Secretos supernumerarios S. S.: 31 Maii 1913. — Reverendissimum Dominum Franciscum Farkas, ex dioecesi Sabariensi. 25 Iunii. — Reverendissimum Dominum Lorentinum Magnanimi, ex dioecesi Areztina. — Reverendissimum Dominum Iosephum Santiangeli, ex dioecesi Fabrianensi.

[*Latin ed. p. 336*]

336 Acta Apostolicae Sedis. - Official Commentary. Honorary Chamberlains in peacock blue attire of His Holiness: May 31, 1913. — Monsignor Robert Schlamadinger, of the diocese of Sabaria. June 13. — Monsignor Michele Paolinović, of the diocese of Macarasca. — Monsignor Valdimiro Bakotió, of the same diocese. June 18. — Monsignor Albert Angelotti, of the diocese of Montepulciano. June 24. — Monsignor Gioacchino Bonardi, of the archdiocese of Florence. — Monsignor Olinto Fedi, of the same archdiocese. June 29. — Monsignor Carlo Trnka, of the diocese of Budweis. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of Saint Pius, Commander's Cross: June 19, 1913. — To the Most Noble Count Agostino Antonelli, of Terracina. The Order of Saint Sylvester, Commander's Confusion with plaque: June 14, 1913. — To the Very Reverend Professor Ulisse de Nunzio, of Rome. The Order of Saint Gregory the Great, Civil Class, Knight: June 27, 1913. — To the Very Reverend Gasparo Dill, of the diocese of Würzburg. The Order of Saint Sylvester, Knight: June 21, 1913. — To the Very Reverend Luigi Betti, of the archdiocese of Florence. June 26. — To the Very Reverend Carlo Kellermann, of Vienna. June 27. — To the Very Reverend Luigi Burrasca, of Padua. NECROLOGY. June 24, 1913. — Monsignor Giuliano Miranda y Ristuer, Bishop of Segovia. ERRATUM. In Volume X, page 293, line 2, for « ex epistolis » read « ex epistoliis ».

[*Latin ed. p. 337*]

Year V. - Volume V. July 28, 1913, No. 12. *COMMENTARIUM OFFICIALE ACTA P. P. X* APOSTOLIC LETTERS. THE APOSTOLIC PREFECTURE OF URUBAMBA IS ERECTED INTO AN APOSTOLIC VICARIATE, NAMED URUBAMBA AND MOTHER OF GOD. PIUS PP. X. For the sake of posterity. — The blessed propagation of the Catholic Faith, while filling Our mind with the greatest joy, also urges Us in the Lord to provide, as far as possible, for the erection of churches, or for raising them to higher degrees, according to the needs of the time. Therefore, since the Apostolic Prefecture of "Urubamba" in the Republic of Peru, which was auspiciously founded on the fifth of February in the year 1910, has, with God's help, yielded abundant fruits of salvation and offers a joyful hope that it will produce even greater ones in the future; thus, after consultation with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propa-

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gation of the Faith, We have judged it fitting to raise the same Prefecture into an Apostolic Vicariate, with a Vicar, endowed with episcopal dignity. Wherefore, by the present Motu Proprio, from certain knowledge and mature deliberation, and by the fullness of Our apostolic power, We erect and establish the aforementioned Apostolic Prefecture of "Urubamba" in the Republic of Peru into an Apostolic Vicariate, with all and each privileges, rights, honors, and indulgences, which pertain to such apostolic vicariates, or may pertain to them. Furthermore, to this new Vicariate, in addition to the territory of the former Apostolic Prefecture, We also assign the civil district now called Mother of God, which We, by the same apostolic authority of Ours, separate from the jurisdiction of the other Ordinaries, as far as each is concerned.

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis. - Official Commentary. branch, and we give it the name Vicariate Apostolic "of Urubamba and Mother of God." We trust in the Divine Redeemer of the human race that the Catholic Faith will always receive new and greater growth in this vast and noble Peruvian territory. We decree that these present Letters shall always be firm and effective, and shall fully and completely produce their intended effects, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things; and that, accordingly, everything contained herein must be judged and determined by all ordinary and delegated judges, and that it shall be void and null if, concerning these matters, anything should happen, by any authority, knowingly or unknowingly, that would attempt to alter them. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and all other Apostolic constitutions and sanctions to the contrary. Given in Rome, at Saint Peter's, under the seal, on the fourth day of July, in the year 1908, in the tenth year of Our Pontificate. The Fisherman. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State. PROVISIONS REGARDING CHURCHES. By successive decrees of the Sacred Consistorial Congregation, Our Holy Father Pope Pius X provided for the following churches, namely: May 30, 1913. — To the titular church of the Castabala diocese, he appointed the Reverend Mark Zapata, archdeacon of the cathedral church of Saint John of Cuyo, whom he appointed as Auxiliary to the Reverend Joseph Americo Orzali, Bishop of Saint John of Cuyo. June 1st. — To the cathedral church of Caserta, the Reverend Marius Palladino, formerly Bishop of Iscla. — To the cathedral church of Saint Severinus, the Reverend Adam Borghini, formerly titular Bishop of Carpasia. — To the cathedral church of Atri, the Reverend Anselm Rizzi, of the diocese of

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Mantua, there a parish priest in the place commonly called Ostiglia.

[*Latin ed. p. 339*]

339. The Sacred Congregation Consistorial. June 14, 1913. — To the titular church of the episcopal see of Gerasa, the Reverend Charles Joseph Eugene Ruch, the general vicar of Nancy-Toul, is appointed coadjutor with the right of succession to the Reverend Monsignor Charles Francis Turinaz, the Bishop of Nancy-Toul. June 19. — To the cathedral churches of Parenzo and Pula, the Reverend Tryphon Pederzolli, the parish priest of the church of Saint Anthony the Wonderworker in the city of Trieste. June 20. — To the cathedral church of Peterborough, the Reverend Michael Joseph O'Brien, the parish priest of the church of the Most Sacred Heart in the city of Peterborough. June 21. — To the cathedral church of Florianópolis, the Reverend John Borges Quintâo, of the Congregation of the Mission and rector of the seminary of Curitiba in Paraná. June 23. — To the cathedral church of Hajdúdorog, of the Greek rite, the Reverend Stephen Miklósy, the parish priest of the place commonly called Satoraljánhély. July 1. — To the titular church of the episcopal see of Castoria, the Reverend Francis Gossmann, a canon of the cathedral church of Waitzen, is appointed Auxiliary to the Reverend Monsignor Charles Emmanuel Csaky, the Bishop of Waitzen.

The Sacred Congregation for the Propagation of the Faith. Appointment of a Bishop. By an apostolic brief, the following was appointed: July 4, 1913. — As titular bishop of the church of Adran and as apostolic vicar of the new vicariate of Urubamba and Madre de Dios, the Reverend Raymund Zubieta, of the Order of Preachers.

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA, GRATIANOPOLITAN. NULLITY OF MARRIAGE (REYNIER-DE OBLONGE). Under the blessed reign of Pope Pius X, in the tenth year of his pontificate, on the 8th of April, 1913, the Most Reverend Fathers, Doctors Michael Lega, Dean, Ponens, William Sebastiani, and Seraphinus Many, Auditors *de turno*, in the case of Gratianopolitan – Nullity of Marriage, under the head of clandestine marriage, with the appellant, Lady Maria Reynier, represented by her procurator, Nazarenus Ferrata, present and arguing the case, and with the Defender of the Bond present by virtue of office, rendered the following definitive judgment. Maria Reynier, being of minor age, aged 20 years, on the 2nd of October, 1906, was married in the parish church of St. Aloysius to Marcello de Ghalonge, her cousin, with a lawful dispensation granted from the impediment of consanguinity in the third degree. After almost exactly one and a half years from the beginning of the marriage, discord arose between the spouses, and their minds became so estranged that, without hope of reconciliation, the conjugal consortium was dissolved. Subsequently,

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Maria appealed to the ecclesiastical court of Gratianopolis, requesting that her marriage be declared null and void due to the impediment of clandestine marriage, since she was not a parishioner of St. Aloysius, as her father had moved his residence to Tournon, abandoning his domicile in Gratianopolis, at the time the marriage was celebrated. The judge of Gratianopolis, in his judgment of the 23rd of February, 1912, upheld the intention of the plaintiff, declaring that the marriage had indeed been null and void due to the aforementioned impediment of clandestine marriage. By law, an appeal was instituted, and the Honorable Tribunal rendered its judgment on the 17th of July, 1912, stating: That there was not sufficient proof of the nullity of the marriage. Maria then appealed from this judgment, and in the present action, the question is whether the judgment of the Sacred Rota of the 17th of July, 1912, should be confirmed or overturned in this case. Regarding the facts, it must be determined whether the facts presented as evidence sufficiently demonstrate that the father of Maria truly abandoned the city of Gratianopolis before the year 1896, so as to lose his previously obtained canonical domicile there, and to acquire exclusively a domicile in Tournon. Indeed, 1) The family Reynier, originally from the city of Gratianopolis,

[*Latin ed. p. 341*]

The Roman Rota records that the family fortune increased, and that Mary's grandfather established a glove-making business. Mary's father, Paul Reynier, began to manage this business. When his parent died, the business, by right of inheritance, passed to three brothers: Paul (Mary's father), Auguste, and Henry. Paul, who had already been afflicted with a frail constitution, was attacked by a serious illness in the year 1906, to the extent that expert physicians advised him to relinquish the management of the business. Furthermore, the doctor advised, "to spend the winter in the south, and the summer in the countryside."

This was neither new nor difficult for Paul, who had been accustomed since his youth to spending time in Africa, in Tunes, during the harsh winters of Western Europe, fleeing the climate of Gratianopolis. The Gratianopolitan records state: "Paul Reynier, whose health was always delicate, went to Tunisia as early as 1875, at the age of 24, to spend a few weeks in the winter; he continued to do so after his marriage (1883); he even bought a large property in Bordy Chakir in 1889, 10 kilometers from Tunis, which he planted with vines. His two brothers, to please him, participated in the purchase, and one of them, Auguste, said that Paul Reynier's winter trips from 1889 to 1896 lasted from two to four months, even though he had to leave his wife and children in France. In 1900, he replaced the small Arab house with a comfortable house, and Laure Reynier stayed there with her husband from that time on. In 1903, the patient's condition worsened, so his stay in Bordy Chakir lasted 8 months and 8 days, until June 29, 1904."

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In the following two years, because of the illnesses that kept him in Gratianopolis, both Mary and her brother Severinus spent time in Tunes every two years. Paul, however, did not stay there for more than four or five months. It is noteworthy that the duration of Paul's stays in Tunes increased in proportion to the state of his health, so that the stays, which previously, in 1875, lasted only one or barely two months, extended to 8 months in the years 1903-1905; but it always seemed to have been a constant and unwavering intention and will: namely, to have a house in Tunes as a suitable place for the care of his health. The vines purchased in Tunes, and their cultivation, appear to have been primarily intended to provide an occupation and solace for Paul's active mind. The Gratianopolitan judge states: "Paul Reynier can no longer manage the glove factory, but he can supervise the plantations and his Tunisian vineyards, not in detail, because he finds consolation in this change of work." All witnesses agree that the cultivation of the vines and the management of the property were not the primary purpose of Paul's more or less lengthy stays in Tunes, where he resided for the purpose of caring for his health; this was always the main intention.

[*Latin ed. p. 342*]

342 Acta Apostolicae Sedis. - Commentarium Officiale. 3) For the summer season, the Reynier family had long possessed a villa called "Glaix." Regarding this, the judgment of the first instance states: "The villa Glaix remains a summer residence. Rented in 1864, it was purchased in 1883 by the father of Paul Reynier, and it subsequently passed to him "and to his two brothers, Auguste and Henri. The property was jointly owned, "each going there to rest from their affairs; but Paul Reynier, married in 1883 "and subsequently having three children, became the owner of two-thirds "and had the house rebuilt in 1904 to better accommodate and "improve the stay of his family." 4) However, because he had been instructed by doctors to avoid the area of Gratianopolis where he had become ill and had begun to fall ill again, it must be inquired whether, given these circumstances, Paul abandoned his home with the intention of not returning, thereby losing his domicile in Gratianopolis, and whether he, on the other hand, acquired one in Tunete. There is no room for doubt, as testified by the doctor Perriol, that Paul was given the clearest and most explicit instructions to stay far away from the area of Gratianopolis, otherwise his life would be in danger. Paul, as witnesses also testify, never contradicted this instruction given to him, and he was so intelligent and of sound mind that he understood it perfectly and acted accordingly, as was necessary. Indeed, he, especially from the year 1900 to the year 1903, did not stay in Gratianopolis for even a single month; and when, to assist his sick daughter, he went there in December of 1905, he immediately fell ill; and again at the beginning of the following year; therefore, he must have been all the more determined

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to avoid the area of Gratianopolis. The judge of Gratianopolis accurately reports the length of the prolonged stay in that city from the year 1903: "In 1903, it was certainly 39 days. "Due to various illnesses, it was longer in 1904, since "on three occasions, Paul Reynier stayed in his house for 102 days, and in 1905 "for eighty-five days... finally, in the year 1906, which was the year "of the marriage, Paul Reynier, before that, stayed for 16 "days in Grenoble, from June 5th to June 21st." 5) From these circumstances, it follows that Paul could not be completely detached from the area of Gratianopolis, because he had a completely furnished home there, and he had a right to reside there; he had his trusted doctors there, whom he and his family completely trusted; there was a center of family relationships there. However, the workshop and attached buildings, the house and land in Tunete, and the country house, commonly called Glaix, were jointly owned by the three brothers; of whom, after Paul,

[*Latin ed. p. 343*]

The Roman Rota notes that 343 men were celibate; therefore, they neither desired nor sought to divide the family inheritance. However, Maria, the actress, and other witnesses affirm that Paul had placed the money or movable goods which he had acquired through his own industry into a business, managed by his family, or, as Maria states: "The entire fortune of my father was in the Reynier house." No one contradicts this assertion. Indeed, Julius Martin, the director of the factory, when asked, "After he had abandoned the direction of the factory, what role did he have in the affairs of the Reynier house?" replied: "He was no longer anything more than a counselor to his brothers, and even his brothers, as much as they could, avoided asking him for advice so as not to tire him. He was a financier and a counselor." Indeed, because of Paul's particular expertise and experience in this business, and because of the very serious inconveniences that would have befallen him if the business were not properly managed, it necessarily followed that Paul's mind, although absent in body, was entirely focused on the factory in Gratianopoli. This understanding was not far from the truth, as stated by Father Chapperon, the parish priest of Glaix at the time of the controversial marriage, who, when asked, "If the Reynier family only lived in Tunis and Glaix, how did you explain the marriage taking place in St. Louis, and without it even being announced in Glaix and without a delegation from you?" replied: "I was convinced that Mr. Paul Reynier, being the principal manager of the factory, must have had his residence in Grenoble." Furthermore, it is evident that everyone at that time was convinced of this, as it was possible, with a prior dispensation, as has been said, granted by the Bishop of Gratianopoli, to celebrate the ceremonies in the church of St. Aloysius and to complete them in the town hall, without any protestation, exception, or suspicion of the illegitimacy of the act arising. Although the external appearance of things did not seem to have changed

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much at that time, because Paul had been accustomed to living in Tunis since his youth, and his family moved from place to place; therefore, it does not seem that Madame Gillet de Ghalonge, the mother of the groom, contradicted the truth when asked, "Did the house in Grenoble give the impression that one was truly at home, at the center of one's relationships and affairs?" and she replied: "Yes." This, although it may seem to indicate that reconciliation between the spouses was, by a bad fate, "absolutely impossible," does not seem to be contrary to the declaration of nullity. 6) Furthermore, the village of Glaix was not far from the city of Grenoble, and while Paul and his family were living there during the summer, almost every day, or at least some members of the family, for a short time, went to Gratianopoli; therefore, at that time, they seemed to be living in Gratianopoli; and today, this is especially the case for people and families.

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis. - Commentarium Officiale. In magnis urbibus, ubi commercia maxime florent, saepe accidit ut familiae ruri vel in suburbio habitent durante aestivo et autumnali tempore, et ut ii qui commercia agunt, se quotidie conferant ad consuetum domicilium seu ad centrum suorum negotiorum, reversuri ad suos, expletis negotiis. 7) Denique, alium elementum facti, Domini non praetermiserunt, nempe terminos praescriptionis quae medico Perriol facta est Paulo ut relinqueret gelidum aerem Gratianopolitanum. Hic fatetur, causam determinantem Paulum ut Tunete moraretur, fuisse tantum curam suae valetudinis; de se autem haec refert: « C'est depuis 1896 « à la suite d'accidents particulièrement graves que j ' a i dû conseiller à « Mr Reynier de se retirer de ses affaires et vivre en dehors de la ville, « l'hiver dans le midi et l'été dans la campagne ». Quare medicus non praescripserat caelum Tunetense, sed meridianas oras in genere, quamvis in secundo interrogatorio idem Perriol percontatus « Lui avez-vous conseillé Bordy Chakir de préférence à tout « autre coin, par ex. de la Côte d ' azur ? » respondit : « Oui, parce que « Bordy Chakir est au moins à 10 kil. de la mer etc. ». Verum idem narrat: « Vers la fin de sa vie, alors qu'il a été jugé trop faible pour « qu'on puisse lui conseiller une traversée de la Méditerranée, au lieu « de passer son hiver dans un hôtel de Grenoble, il est allé passer « l'hiver à Leysen ». Et interrogatus: « Ne craigniez-vous que là le souci « de l'exploitation viticole ne lui fit du mal un peu comme ceux de la « ganterie ? » respondit: « Non, parce que Bordy Chakir était dirigé au « point de vue agricole, depuis plusieurs années, par un beau-frère de « Mr Reynier, et alors un travail était plutôt une distraction. De plus, « Bordy Chakir était aménagé spécialement pour un malade: il y avait « fait construire une grande galerie de cure comme à Leysen ». Proinde Paulus, quia a peritis physicis non habuerat praeceptum ut hiemali tempore moraretur Tunete, sed tantum hi consuluerant meridianum caelum, et tunc temporis praeferebant Tunetem,

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non poterat habere propositum ibi perpetuo manendi; pendebat enim a voluntate medicorum, ut ei contigit cum Leysen morari debuit ex consilio medici. Item, quamvis desperaret de sua valetudine, tamen ab omni spe deiectus esse non potuit, quod alienum est ab humano ingenio, et hoc fatetur ipse medicus Perriol, referens: « Mr Reynier ne s'illusionnait « guère sur son état; il m'a dit maintes fois qu'il avait bien peu de « chance de s'en tirer; que pour lui c'était une question de durer plus « ou moins long, selon qu'il serait soigné plus ou moins ». Ceterum est in more medicorum, praesertim nostra aetate, ut curent, his potissimum qui corde laborant, persuadere morbum mitiorem, levio-

In large cities, where commerce flourishes most, it often happens that families live in the countryside or in the suburbs during the summer and autumn months, and that those who engage in commerce meet daily at their usual residence or at the center of their business, returning to their families after completing their business. 7) Finally, the Lords did not overlook another element of the case, namely the terms of the prescription that were given to Paul by the doctor Perriol to leave the cold air of Gratianopolitanum. He confesses that the reason that prompted Paul to stay in Tunete was only concern for his health; but he says this about himself: "Since 1896, "due to particularly serious accidents, I had to advise "Mr. Reynier to retire from his business and live outside the city, "in the south during the winter and in the countryside during the summer." Therefore, the doctor had not prescribed the climate of Tunete, but the southern regions in general, although in a second interview, the same Perriol was asked, "Did you advise Bordy Chakir rather than "any other place, for example, the Côte d'Azur?" He replied: "Yes, because "Bordy Chakir is at least 10 kilometers from the sea, etc." But he also says: "Towards the end of his life, when he was considered too weak for "anyone to advise him to cross the Mediterranean, instead of "spending his winter in a hotel in Grenoble, he went to spend "the winter in Leysen." And when asked: "Do you fear that the "concern for the vineyard would harm him somewhat, "like those in the glove-making industry?" he replied: "No, because Bordy Chakir was managed "in terms of agriculture, for several years, by a brother-in-law of "Mr. Reynier, and then work was rather a distraction. Moreover, "Bordy Chakir was specially designed for a sick person: there was "a large gallery built there, as in Leysen." Therefore, Paul, because he had not received an order from expert physicians to stay in Tunete during the winter, but they had only advised him about the southern climate, and at that time they preferred Tunete, could not have intended to stay there permanently; he depended on the will of the doctors, as happened when he had to stay in Leysen by the doctor's advice. Also, although he despaired of his health, he could not be completely devoid of hope, which is foreign to human nature, and this is confessed by the doctor Perriol himself, saying: "Mr. Reynier was "not very deluded about his condition; he told me many

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times that he had "very little chance of recovering; that for him it was a matter of "lasting longer or shorter, depending on whether he was "treated more or less." Furthermore, it is the custom of doctors, especially in our age, to try to convince, especially those who suffer in their hearts, that the disease is milder.

[*Latin ed. p. 345*]

The Roman Rota. It is necessary to determine what is truly the case, so that a moral ailment is not added to a physical one. It is difficult to conjecture how much hope Paul still held for regaining his health, although it is closely connected with the fact that it is alleged he had the intention of leaving Gratianopol. The evidence, which we will examine below, seems to indicate that in 1896, when he relinquished the management of the workshop at the doctor's orders, he did not conceive of any new intention regarding Tunes. For he lived there alone until 1900, when he built a new house and wished to have his wife with him. Given these facts, it follows that, with regard to the law, the father's domicile must be considered; for Maria Reynier was then a minor, and therefore necessarily shared in her father Paul's domicile. Paul, on the other hand, undoubtedly had a domicile in Gratianopol before 1896, or before his serious illness, indeed, a domicile of the strongest and most stable kind in law. For he had there a house, open and furnished, built by himself and entirely his own, but he had there the sum of his assets and the center of his affairs, in which he had invested all his energies, from which the workshop derived its great prosperity, primarily from Paul's industry. Furthermore, this domicile is connected with the origin of Paul's family, or is a domicile of origin in the proper and canonical sense, since Paul's parents had a stable residence or domicile there at the time of his birth, as Reiff. observes, *De Foro Comp.*, n. 21; and Fourneret, in *Le Domicile Matrimonial*, in the first chapter, discusses at length the origin, which, although distinct from the notion of domicile, is nevertheless a stronger argument and foundation for the domicile. Indeed, in matters of marriage, it is not sufficient for valid marriage to be entered into that the place of origin, or the domicile of origin, is there, unless the domicile of habitation is also there; but it should be noted that it is more difficult in law and jurisprudence to presume that someone has renounced their domicile of habitation, together with their domicile of origin, unless absolutely conclusive proof is presented. Therefore, since it is not clearly established by an express declaration of intent that he wished to abandon his domicile, and especially his domicile of origin, the accumulation of two or more domiciles is rather admitted, as declared by H. S. O. in dec. 429, n. 13, part V, tit. II; decis. 670, n. 24, part IV, t. III; decis. 364, n. 7, part XIII Recent. The Roman law has already admitted that one can have two domiciles, as Ulpian explains, 1. 6, § 2, tit. I, lib. 50, dig., namely: "It seemed fitting to prudent men that a man could have a domicile in two places, if in

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both..."

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis. - Official Commentary. "that he may not seem to have placed himself in a less favorable position with others." Canon law confirmed this principle in the famous chapter 2 De Sepult., in VI, where it is stated who has two residences, placing himself equally in both; where equality must be understood not in a material but in a moral sense, even with regard to the house and property, provided that attention is given primarily to the intention not to deliberately abandon the old residence, as is cautioned in 1. 27, § 2, title I, book 50, Dig. where: "If anyone is equally situated in 'two places, nor does he frequent one place less than the other, where his domicile is to be taken from the intention of his mind." In the case at hand, the plaintiff contends that her father changed his domicile, or, having abandoned his domicile in Gratianopolitanum, moved with his family to Tunet, and acquired a domicile there legally. The canonical notion of domicile is expressly contained in 1. 7. De incolis et ubi quis domicilium habere videtur in the Code of Justinian, thus defined: "It is not ambiguous that each person has a domicile in the same place where he has established the sum of his affairs and fortune; from which he would not depart, unless something called him away; from which, when he has departed, he seems to be a traveler; but when he returns, he ceases to be a traveler." Indeed, apart from the origin itself, as has already been noted, all these elements have clearly occurred in the case of Paul concerning the church of St. Aloysius in Gratianopolitanum, and it is superfluous to discuss this further. But the question arises, whether this domicile ceased in the year 1896, with the establishment of a new domicile in Tunet, where Paul moved, fleeing the climate of Gratianopolitanum. To prove that Paul's domicile in Altbunzlau had ceased, it must be proven beyond a doubt, or with irrefutable evidence, that Paul intended and willed this, and that he intended this to the exclusion of his previous domicile, with which a new one could not in any way coexist or accumulate, like a double domicile. Since the intention is hidden in the depths of the mind, and Paul cannot be called to testify today, having passed away long ago, his intention must be ascertained through irrefutable judgments. Indeed, although a domicile results from two elements, namely the fact of habitation and the intention or will to remain permanently in a certain place, the intention is the more important and formal element, as the cited law states, that "domicile is to be taken from the intention of the mind." Therefore, he who transfers himself to another place with a deliberate and certain intention of remaining there permanently, abandoning the previous location with the intention of not returning, begins to have his domicile there from the first day, and extinguishes the previous one, even if he has not in any way transferred his property or fortune there; decree 162, n. 20, part. 15, among the Recentiores.

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But in human affairs...

[*Latin ed. p. 347*]

The Roman Rota. It is most fitting that these elements be considered in judgments, and it is not permissible to depart from them, because they are external signs, born to prove the internal movement of the mind, as Fagnan teaches in his commentary, chapter "Signifie, de parochis," number 4: "If in a place abandoned, someone has sold everything and taken with him whatever he could, but in another place has bought a house and property, it is considered sufficiently probable that he first abandoned the former and then chose the latter as his domicile." He says, "it is considered," meaning that these signs are presented for judging whether a domicile has been moved. Then, in Title 20, "Ad Municip. et de incolis," of the Digest, it is stated: "Domicile is transferred by fact and deed, not by mere assertion." That is, the assertion made in court that one has moved to another domicile is not believed if the facts contradict it. Mary's advocate argues that he presents an irrefutable argument that Paul's will was entirely different from the domicile of Grenoble, which he was forced to leave, because the doctors clearly told him that he would certainly and quickly meet his death unless he fled from the air of Grenoble; therefore, the advocate contends, he neither wanted nor was able to remain in Grenoble any longer, and therefore he left, not intending to return. This is an easy argument, but the proof is very difficult: for in the first place, the doctor's prescription is contained in these words: "Spend the winter in the south, and the summer in the countryside," which, as has already been noted, has a considerable latitude and does not assign a certain place or a stable location to Paul, who was always to be under the care of the doctors. For this reason, the Lords said that it is difficult to admit that Paul intended to establish himself permanently in Grenoble, since this, more than his own will, depended on the prescription of the doctors and on the condition of his health. For the same reason of health, just as a public office in a certain place is assigned by the order of the governor, it is considered a contingent or causative reason, which does not seem to carry with it the intention of remaining permanently in a certain place, at least to the exclusion of a previous domicile, as De Luca argues in several places; therefore, the reason for treating his health is, just like exile, most often not sufficient to be considered as establishing a new domicile. Thus, in discussion XXXVII, "De proéminent," the question is raised whether a certain noble man, having a domicile in the city of Brictoria, was nevertheless forced to leave for an indefinite time in order to perform the duties of a Senator in Florence, "leaving behind in the place of his domicile an open house with some of his servants and family," and whether he lost his domicile. And De Luca decided that "the answer should be negative, because everything must be dissolved by the bond by which it is bound. Therefore, just as it is not sufficient to acquire or lose

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citizenship merely by intention..."

[*Latin ed. p. 348*]

348 Acta Apostolicae Sedis. - Commentarium Officiale. "A material dwelling is established in a place, unless there also accompanies a declaration of intent, either explicitly through words or implicitly through actions; therefore, the same intent must be declared, either explicitly or implicitly, to abandon this citizenship, and mere physical absence is not sufficient, especially when it is accompanied by a declaration of intent to the contrary, with the house remaining open with the family..." Secondly, (it is noted) that this was not a mere voluntary absence without cause... therefore, an accidental or causative absence does not negate legitimate citizenship or domicile. In discussion LXXXIII, concerning Regalib., when the matter was being discussed of proving the domicile of a certain Sydonia in order to avoid the payment of a tax by foreigners or residents, the aforementioned Doctor argues, n. 11: "Since Sydonia, from the years 18XX onwards, possessed assets in this place, and it is said that she successively had an open house with her deceased brother, and supported public burdens in the manner of other citizens or inhabitants. Therefore, the requirements for citizenship or residence seemed to be present. Nevertheless, she did not have a continuous residence in the same place, because it does not imply that she was a citizen or resident of two places, and for the purpose of maintaining citizenship or residence, it is sufficient to possess assets with an open house in which her connected family members or servants reside." These rules or conclusions apply most forcefully to our case. Indeed, Paul's absence from the city of Gratianopolitan is to be considered accidental or causative, contrary to his will and disposition, and dependent on circumstances and the advice of doctors. Furthermore, Paul had already been visiting the shores of Africa from his adolescence, but for a brief winter stay. In the year 1896, the aforementioned prescription was made by the doctor Perriol; but Paul, who had already bid farewell to the administration of the workshop, continued to spend the winter alone, at least until the year 1900, leaving his family in Gratianopolitan. This is how the witness recounts it: "À quelle époque commença-t-il passer l'hiver en Tunisie?" she responded: "The entire winter since 1900 and regularly... Since 1900 he has always spent the entire winter with my mother. Before 1901, my mother would go and come." The mother herself stated more clearly: "From 1891 to 1900, I remained in Grenoble or Claix, while my husband alone spent his winters in Tunisia." The house in Tunisia was expanded in 1896, but according to the same witness, or four years after the doctor's prescription, and it is argued by the witness that, as a result of this, Paul had abandoned his domicile in Gratianopolitan. Furthermore, the rural house in the locality of Claix was also expanded and almost at the same time a new building was

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constructed, and this because, with increased comforts and inconveniences of life, Paul was more attentive to his health. Therefore, in the case of des-

[*Latin ed. p. 349*]

The Roman Rota has ruled that the declaration of intent, expressed in the following words, is entirely invalid and not implied, because in the year 1896, at the command of a physician, he abandoned the business of his workshop and went to Tunes, living there alone, not unlike before, except for a longer period of residence, whereas he should have immediately prepared a suitable home for himself and his family, which he delayed until the year 1900, as his illness worsened; therefore, in Paul's actions, there is not that substantial and formal change which would indicate such a serious deliberation of the mind. However, as has already been noted in the specific facts, from the years 1875 and 1906, the winter residence in Tunes was prolonged almost in this same manner and for the same reason, with the increase of age and the progression of the illness, but more or less, it does not change the nature of the situation. This is relevant to our case, because we are dealing with the loss of the original domicile, which was undoubtedly and long ago acquired, as De Luca notes: "To retain one's 'ci vitate' or livelihood, it is sufficient to possess property with a 'domo aperta' in which one's spouse, family, or servants reside." However, Paul, after the year 1900, always left one or two of his family in Gratianopolis. In the discussion, the authority of Doctor Aichner was invoked (Compendium iur. eccles., edit. VII, par. 164), who, adhering also to the Austrian Instruction, teaches: "As long as one retains in a place a residence (habitation) intended for himself or for his family, a longer absence, even if undertaken voluntarily, does not suffice to effect a true transfer of domicile." However, the Lords have noted that it is certainly not sufficient for a domicile if one buys or retains a house for the use of his family, unless he intends to live there himself: for, as has already been said, two things are required for a domicile, namely, the act of personal or real habitation, and the intention of residing there permanently; therefore, when the Austrian Instruction says: "...retains a residence intended for himself or for his family," it understands a destination included in the concept of ownership, not excluding, but rather necessarily including, the cohabitation of the father of the family with his family; which is clearly shown by the words that follow: "...a longer absence, even if undertaken voluntarily, etc." For no one is said to be absent from a place in which he does not usually reside. Therefore, from Aichner's opinion, it cannot be inferred that a father of a family can acquire one domicile for himself and another for his family, as if he could abandon the place of residence or domicile, with the intention of not returning, while still maintaining a domicile for his family who continues to reside in the place of the father's former residence. This cannot be admitted in any way, if the wife and children have a legal and necessary domicile with the father,

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who, therefore, if he truly transfers his domicile, takes the entire family with him.

[*Latin ed. p. 350*]

350 Acta Apostolicae Sedis. - Commentarium Officiale. Even if this [family] continues to reside in the place of the former dwelling. The manner of speaking does not provide an opportunity for error; Doctor Aichner observes that the head of the family retains the house or dwelling which he has actually possessed for the benefit of his family. Indeed, as has already been noted, two things concur in the dwelling: the intention to permanently reside there and the fact of habitation. But an acquired dwelling is not lost by a simple absence, or a long one, especially if the father is absent but the family, or some members of the family, remain in the place of habitation. The fact that the family, or some members of the family, remain in the place, that the house is kept open or furnished, and other similar additions, are all indications, and nothing more than indications, which are considered in the judicial forum for investigating the intention, which is the more important and formal element of the dwelling, as is cautioned in the cited law, 27, Digest, Ad municip. et de incoi, title I. However, it has not been proven that Paul intended to abandon his former dwelling and acquire a new one, but the series of facts examined by the Lords teaches that Paul did not require such a change, and that he did not even consider it. Indeed, the doctor ordered him, in the year 1896, to spend the winter in the south, and to live in the countryside during the summer, leaving the management of his workshop. He immediately complied with the former, and this was a new thing in Paul's habits; the latter was neither new nor unusual, since it concerned prolonging his stay in the countryside during the summer, in Tunete. As the Gratianopolitan judgment concerning the villa of Claix recounts, and as we have presented in the specific case, the Reynier family possessed this property by one title or another from the year 1864, and they took care of Paul, preferring him to his brothers, in order to make it suitable for him and his family, especially in the year 1904, or "it was rebuilt in 1904 to better justify and improve the stay of his family." But it is certain that the Reynier family never acquired a dwelling, or a quasi-dwelling, there, since they resided there for the purpose of rural living. Therefore, as all Doctors teach, and as Deshayes accurately explains in "Questions pratiques sur le mariage, le domicile," q. 28, during the time that the family resides in the countryside, for the purpose of the canonical domicile, they are considered to reside in the place of their ordinary domicile. All the more so, since all the witnesses assert that Paul, or his wife, or another member of the family, made almost daily trips from the villa to the city. Therefore, Paul and his family, while residing in the villa of Glaix during the summer, were considered to be in their former domicile in Gratianopolitan, which had already undoubtedly been acquired, and it has not been sufficiently proven

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that it had been abandoned. Indeed, Mary, the actress, when questioned, "During their stay in Glaix, did your parents not continue to maintain frequent relations with Grenoble?"

[*Latin ed. p. 351*]

S. Romana Rota. 351 "Did you visit Grenoble almost every day?" the witness replied: "We visited Grenoble often, but for errands, not for visits. We did not visit our residence on Rue Marché Dode." This cautious response was later explained as follows: "We never took meals at our residence. We sometimes slept there, but very rarely." The mother of the actress more clearly stated the facts, when asked: "During this stay, did you not visit Grenoble very often? Did you not often go to your hotel?" She replied: "We visited very often; we sometimes had lunch at my brother-in-law's house, but not at our own, where we had no servants or facilities." Regarding the time when the family resided regularly in Grenoble, the same witness stated: "We stayed in Grenoble for 8 to 15 days before moving to Glaix. If we sometimes stayed longer, it was because of my husband's health and to allow him to see the doctors." She also referred to the stays that Paul made for 4 months in 1904 and 3 months in 1905, as we have already noted in the course of the proceedings. Furthermore, regarding the time when the Reynier family usually stayed in the villa before and after Paul's illness, the mother of the actress stated: "Before my husband's retirement, we always spent some time in Glaix. I usually went there from June to October; but my husband went there irregularly. Since my husband's illness, we spent together 4, 5, or 6 months, between June and November. In 1906, we went there towards the end of August and left two months later." This longer stay that Paul made in the villa in Glaix after the onset of his illness is a significant fact, by which, even in the context of the case, the domicile in Grenoble was maintained. Paul himself wrote in his will that he wished to be buried in Grenoble, should he die in the villa in Glaix. Therefore, in our case, the provision of the cited law, 27 Dig., applies literally: "If a person is equally situated in two places, and does not reside more frequently in one than in the other, then the domicile is to be considered to be where he intends it to be"; indeed, in our case, we are not dealing with the acquisition of a domicile, but with the non-loss of one, so that, *a fortiori*, the frequent stays in Grenoble until Paul's death almost conclusively exclude the hypothesis of the loss of domicile. Furthermore, the house in Tunes cannot be considered to have been more open or equipped during the summer and autumn months than the one in Grenoble was during the rest of the year. This conclusion cannot be challenged on the grounds of assuming as certain what is in question, namely, that the domicile in Grenoble was not

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lost, which strengthens and confirms the argument.

[*Latin ed. p. 352*]

352 Acta, of the Apostolic See. - Official Commentary. A stay was held during the summer season at Glaix. For the domicile in Grenoble is certainly and most solidly established; it would be necessary to demonstrate that this had been lost; the facts or indications which we have presented, namely, the house being open or furnished, the sum of fortunes and goods, and the very fact of the summer stay itself, are arguments which undoubtedly lead one to presume that the domicile is obtained from a will of that nature. When the external elements of the domicile are lacking, the matter seems to approach almost evident certainty, because, justly and deservedly, the summer stay is not to be separated from the domicile in Grenoble. It must be said that nothing has changed in this domicile, unless it is proven that it has been lost. Therefore, the following should be noted concerning the judgment of Grenoble in the matter: "Although we have observed in the petitioner and her witnesses a tendency to diminish the duration of the stay in Grenoble, we cannot, on the other hand, take into account, in order to increase it, the visits and travels, countless in number (as evidenced in the notebooks of Mme. Laure Reynier), which were made there while residing at Glaix, first because it was not the sick person who made them, but the one upon whom the domicile depended, and secondly because one did not ordinarily sleep in Grenoble, and the canonical domicile is that of where one sleeps. We must therefore conclude that the material fact of the residence in Grenoble has become insufficient, and that the hotel in Grenoble is no longer, in reality, anything other than a place of passage." Indeed, the Lords have said, these insufficiencies are sufficient to acquire a domicile, but not to establish it: since such a manner of staying, rather than changing the old domicile into a place of passage, causes the domicile to persevere and remain; and this follows what Aichner teaches in 1. c., namely, that the head of the family retains the place of his habitation, when he does not intend to abandon it, although, in fact, others of his family may spend more time and more frequently away from it. Given that the circumstances were as they were, it is clearly understood why the bishop, the pastor, the municipal councilors, and all the citizens should not even suspect that Paul has transferred his domicile to Tunis; for this public opinion, indeed, neither establishes nor destroys the canonical domicile; but it is the natural judge of those facts by which the domicile is established. In this institution, - as in others - the Roman jurists, in forming legal concepts, have grasped the common sense and the truth, and for this reason, such concepts endure perpetually. Fourneret rightly points out in the matter, op. cit., p. 31, that in estimating a domicile, account must be taken of public opinion;

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hence, in the rubric of the title.

[*Latin ed. p. 353*]

353 The Roman Rota has stated: "Concerning the inhabitants and where someone appears to have their dwelling," and not: "where someone has their dwelling," and concludes: "To judge whether the establishment [of a domicile] is sufficient, the legislative text does not disregard the indications 'which will result from the common opinion; the judge will inquire about what 'the people around think.'" Once a dwelling is established, it appears that the person is traveling, and if this journey is prolonged, it does not destroy the dwelling, provided that the essential elements of the situation persist. Thus, Paul appeared to be traveling, but not to abandon his seat, because he did not implicitly signify this intention. Moreover, as Wernz explains, Canon Law, as clarified in a decree issued by the Sacred Congregation of Councils in Paris in August of the year 1898, and as Fourneret expands upon in his work, chapters 114 and following, has broadened the notion of domicile, and, in addition to the established domicile, has introduced the concept of a quasi-domicile, and has also made it easier to have two domiciles simultaneously, namely, for the good of souls, and for the more convenient administration of the sacraments. However, the abandonment of a domicile cannot be presumed in this case, because contrary facts are present. The very fact presented by the patron of the plaintiff, namely, the intention of renting a house, if thoroughly examined, turns back upon the plaintiff herself. For it has not been sufficiently proven that Paul truly had this intention; rather, given other probable conjectures, it may be presumed that Paul did not rent a house, because the intention of not abandoning his seat in Gratianopoli prevailed. Furthermore, the contract of lease itself could have been made for a limited time and under resolutive conditions, so that the intention of not leaving the original city would be more evident. Therefore, having considered all these points, the Lords said that the intention of Paul to abandon that domicile has not been proven in any way, especially since, if the acquisition of a domicile in Tunet is admitted, this can coexist with the old domicile. Therefore, the rule of law and jurisprudence, as enunciated by D'Annibale (I, no. 83 in note 12), applies: "In cases of doubt, it is presumed that someone has a domicile in the place of origin, rather than in another place." And Fourneret, op. cit., page 108, states: "A point left 'in the shadows by many authors, although it has supreme 'importance, is that it is more difficult to prove the cessation of a 'domicile than to establish that it never existed; it seems that the domi'cile, once acquired, holds the domiciliary." De Luca (de praeemin., diss. 37, no. 10) goes so far as to say that "the loss of a domicile is 'a thing odious, and

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therefore should only be admitted with clear 'proof."

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis. - Official Commentary. "Festivals. Not only must the rule be applied here: 'A right already acquired is easier to defend than a right sought,' but one must 'go so far as to consider the loss of a domicile as a penalty, and to admit of it only if it is evident.' If this final conclusion seems too rigorous, it must be understood in this way, namely, that a domicile is something beneficial for the faithful; therefore, its loss is very odious, and consequently must be strictly understood and applied. In this, however, the first opinion in this instance erred, in considering the domicile of Gratianopolitanum as a domicile to be acquired, and not, on the contrary, as a firmly acquired domicile to be lost. However, the Lords considered that Paul Tunete could have acquired a quasi-domicile or even a domicile, although this presents a difficulty, as explained, but this does not in any way exclude the domicile of Gratianopolitanum. Therefore, having considered all these things, invoking the name of Christ, We, the Auditors of Tournon, sitting for the tribunal and having only God before our eyes, declare and definitively pronounce our judgment, that it does not sufficiently appear that there is a nullity in the marriage in the case proposed, answering the doubt: the total sentence of July 17, 1912, must be confirmed. We condemn the actress to pay the costs. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially the Council of Trent, Session XXV, Chapter 3, on reform, using the executive and coercive means that are more effective and appropriate, according to the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on April 8, 1913. M. Lega, Dean Presiding. G. Sebastianeiii. S. Many. From the Chancery, on May 6, 1913. Sac. T. Tani, Notary.

[*Latin ed. p. 355*]

APOSTOLIC SIGNATURE. 355 APOSTOLIC SIGNATURE OF BONONIA. CONCERNING A DONATION. Between the President and the Conservators of the Congregation of the Most Blessed Virgin "a Fulmine" in the city of Bononia, the parties, represented by their lawful procurator, Vincent Sacconi, advocate; and the canon, Raphael Mariotti, having met. In the church of the Servants of the Most Blessed Virgin in the illustrious city of Bononia, the image of the Most Holy Mother of God, called "a Fulmine" (commonly called "del Fulmine"), is celebrated with the veneration of the faithful. In this church, from the year 1875, a pious Congregation, to which the name of the same image has been given, was canonically founded and established by the decree of Cardinal Monchini, Archbishop of Bononia: the purpose of this confraternity being to invoke the Blessed

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Virgin Mary under the title of "a Fulmine," so that the faithful, gathered together, might be delivered from lightning and tempest, and also from sudden death. A certain pious woman, Catherine Flandoli, joined to this Congregation, and an indefatigable helper thereof, with the greatest zeal and fervor of her spirit, diligently devoted herself to supporting and promoting the cult of the image of the Blessed Virgin Mary under the aforementioned title of "a Fulmine," using the offerings of the faithful, in order that the aforementioned Congregation might celebrate an annual feast with an octave in honor of the Most Holy Mother of God under the aforementioned title, with magnificent solemnity. Indeed, from certain indications, it appears that the intention of the aforementioned Catherine Flandoli was to gradually acquire a sum of money to establish a fund for the perpetual celebration of the feast of the Virgin. Antonia Malvasia, Countess, a most pious widow, who was herself a member of the aforementioned Congregation, with no less affection of heart and devoted diligence than Catherine Flandoli, pursued the Blessed Virgin Mary invoked "a Fulmine"; she generously decided to offer a sum of fifteen thousand livres, to establish a fund for the expenses of the annual celebration in honor of the Most Blessed Virgin under the aforementioned title, as the aforementioned Flandoli had hoped. She informed the aforementioned Catherine Flandoli of her intention, and, having sufficiently perceived her zeal, the aforementioned Countess offered the sum of fifteen...

[*Latin ed. p. 356*]

356 Acta Apostolicae Sedis. - Official Commentary. She bequeathed to it thousands of books, under the sole condition (as can be gathered from her sworn testimony) that the feast in honor of the Blessed Virgin Mary of the Lightning be celebrated each year. Catherine Flandoli, eager to fulfill the duty imposed upon her by the pious Countess Antonia Malvasia, and with great devotion towards the Blessed Virgin, diligently took steps to do so; indeed, she regularly remitted the sum entrusted to her, paying each year to the aforementioned pious Congregation, as mentioned above, so that the feast of the Blessed Virgin Mary of the Lightning might be celebrated with due honor in the aforementioned church of the Servites. Later, Catherine Flandoli, perhaps fearing that, after her death, the execution of the donation made by Countess Malvasia might be jeopardized, considered it prudent to place the money entrusted to her in a safer investment, entrusting it, under the title of deposit, to the canon Raphael Mariotti, who was already serving as the treasurer of the aforementioned Congregation of the Blessed Virgin Mary of the Lightning. However, Catherine Flandoli, at the time of the transfer of the sum of 15,000 livres, added a clause to the canon Mariotti, stating that the income from said sum should be assigned to her, as long as she lived, so that she might be able to use it to cover the expenses of celebrating the feast in honor of the Blessed Virgin Mary

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of the Lightning each year, as she had done until then; and that, after her death, the aforementioned canon would be obligated to fulfill the will of the pious woman who made the donation. Thus, with these arrangements made with Canon Mariotti, Catherine Flandoli, who consistently and diligently contributed a sum of money, along with a stipend collected from the faithful, for the celebration of the aforementioned feast, died in the Lord in the year 1901. Canon Mariotti, for nine years, namely until 1910, did not fail to allocate the sum of money derived from the income of 15,000 livres, for the celebration of the feast, to the Congregation and the Brothers. However, in the year 1910, Canon Mariotti, changing his plans, ceased to allocate the sum to be given, and arranged for the feast in honor of the Blessed Virgin Mary of the Lightning to be celebrated not in the church of the Servites, but in the chapel of the youth association, commonly known as the "Recreation Center," which he had built. When Countess Malvasia, the pious donor, was questioned about this matter, she not only did not object, but consented. The Brothers of the Servites of the aforementioned church, who in this case seem to form a common entity with the pious Sodalitas a Fulmine, immediately wrote to Countess Malvasia, informing her of what had happened. She explained the situation in a letter to the Archbishop of Bologna, who, in turn,

[*Latin ed. p. 357*]

Apostolic Signature. He sent 357 letters, the conclusion of which was: "I believe that the Religious 'Servants of Mary' do not have the right to claim the 'sum' 'from her'." The Servants of Mary did not obtain this; but considering that their right, as well as that of the pious Congregation, had undoubtedly been violated by the canon Mariotti, they promised an action against him before the archiepiscopal court of Bologna, which, on May 10, 1911, issued the following judgment: "We definitively decide that neither the Congregation 'of the B. V. of the Lightning,' nor the church of the Servants of Bologna, has 'any right to obtain the continuation of the contribution of which you have enjoyed for more than three decades, in order to cover the expenses of the sacred functions of the B. V. of the Lightning.'" Against this judgment, the Brothers Servants of Mary, in their own name and in the name of the Congregation from the Lightning, appealed to the Sacred Congregation for Religious; which, after maturely considering all reasons, and especially after carefully examining the documents, in a general meeting on May 3, 1912, responded to the question: Whether the judgment of the Archiepiscopal Court of Bologna should be confirmed or overturned in this case? with the following: "In our opinion: 1) that the Archbishop is free to have the feast celebrated wherever he believes best; 2) that, if there are no serious reasons to the contrary, it is advisable to have it celebrated in the church of the Servants; 3) that the capital should be preserved and administered exclusively by the Curia; 4) that the same

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diocesan Curia should ensure the faithful fulfillment of the will of the pious benefactor." Bearing this response with great displeasure, the President and Conservators of the Congregation of the B. V. Mary of the Lightning, supplicated the Most Holy Pope Pius X, so that he would deign to grant them a Pontifical Commission; by virtue of which, the case before the Sacred Congregation for Religious would be treated, and, in due order, would be definitively judged by the highest tribunal of the Apostolic Signature. The Most Holy [Pope] graciously granted the request; and thus this case, concerning the donation in Bologna, was thoroughly examined in a plenary session of the Supreme Tribunal, held in the Vatican on June 7, 1913, with the Most Reverend Cardinal Basilio Pompilj as the relator. The agreed-upon questions between the parties were as follows: 1. Is there a basis for restitution in this case? And, if so, 2. How can the pious donation of 15,000 lire in favor of the Congregation of the B. V. M. "of the Lightning" in the church of the Brothers Servants in the city of Bologna be proven? 3. How can the detention by Canon Raphael Mariotti of other sums offered to the same Congregation be proven?

[*Latin ed. p. 358*]

358 Acta Apostolicae Sedis.. - Official Commentary. In general, and concerning points 2, or 2:4, whether there is a place for the restitution of fruits, this matter was previously discussed by the Canonical Prelate. Furthermore, from their discussion, it became clear that an adequate and legally sound response was contained in the decision which the Congregation of Religious promulgated in the general assembly on May 3rd of the year just past, 1912. Therefore, the Most Reverend Fathers, having considered the aforementioned decision and finding it to be approved and valid, confirmed it with their judicial sentence, deciding: "Let the decision of the Sacred Congregation of Religious stand; and let the Archbishop of Bologna be bound by a grave obligation to ensure that the principal sum is preserved intact, and that the full fruits are applied to the celebration of the feast of the Blessed Virgin Mary "of the Lightning"." Concerning the judicial expenses, the Supreme Tribunal decreed that they should be borne equally by the parties. And thus it was published, pronounced, decreed, declared, and definitively judged: and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it applies, not only, etc., but also by all, etc. Given at Rome, from the halls of the Holy Tribunal, on the twenty-seventh day of the month of June, 1913. Nicholas Marini, of the Secretariat. L. © Saint Joseph against Fornari, S. T. A. DIARY OF THE ROMAN CURIA SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On July 15, 1913, before the Most Reverend and Venerable Cardinal Domenico Ferrata, Promoter of the Cause of Beatification and Canonization of the Venerable Lodovica de Marillac, widow Le Gras, co-founder of the Institute of the Daughters of Charity, the Preparatory

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Congregation of Sacred Rites was held, to discuss four miracles, which are asserted to have been wrought by God through the intercession of the Venerable herself; these are proposed for her beatification.

[*Latin ed. p. 359*]

Diarium Romanae Curiae. 359 SECRETARIATUM STATI. NOMINATIONES. Per litteras Secretarii Status, Sanctissimus Pater dignatus est nominare: 21 Iulii 1913. — Dominum Cardinalem Gaetanum Bisleti, Protectorem Sororum Apostolatus Sacri Cordis Iesu, quae domum matrem habent in Havana. Per Brevia apostolica, Sanctissimus Pater dignatus est nominare: Ad Sedem Apostolicam: 21 Maii 1913. — Episcopum Stephanum Iulium Gazaniol, episcopum titularim Modrae. 14 Iulii. — Episcopum Iacobum Stammler, episcopum Basileae et Lugani. Praelatos Domesticos S. S.: 9 Iulii 1913. — Episcopum Vitorem de Lastic, vicarium generalem archidioecesis Naxii. — Episcopum Ioannem Me Quirk, ex archidioecesi Novae Yorki. Per litteras Secretarii Status, Sanctissimus Pater dignatus est nominare: Camerarios Secretos supranumerarios S. S.: 7 Iulii 1913. — Episcopum Angelum Giorgi, ex dioecesi Bergomi. 13 Iulii. — Episcopum Theodoricum Boscia, ex eadem dioecesi. 19 Iulii. — Episcopum Crisantum Sommaripa, ex archidioecesi Naxii. — Episcopum Ludovicum Calcagno, vicarium generalem dioecesis Casale. 20 Iulii. — Episcopum Theodorum Smika, ex archidioecesi Olmutz. Camerarios honorarios in habitu paonaceo S. S.: 8 Iulii 1913. — Episcopum Ioannem Nepomucenum Grimert, ex dioecesi Leitmeritz. 9 Iulii. — Episcopum Alexium Patricium, ex dioecesi Asti. 10 Iulii. — Episcopum Petrum Lewickij, ex dioecesi Premisliae ritus ruteni. — Episcopum Andream Telep, ex eadem dioecesi et ritu. Cappellanum honorarium extra Urbem S. S.: 8 Iulii 1913. — Episcopum Dominicum Garibaldi, ex dioecesi Chiavari.

[*Latin ed. p. 360*]

360 Acta Apostolicae Sedis. - Official Commentary. HONORS. By Apostolic Brief, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class: June 30, 1913. — To the Most Reverend Count Giovanni Battista Batthyány, of the diocese of Sabaria. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: July 2, 1913. — To the Most Reverend Luigi Bahia y Urrutia, of the diocese of Madrid, senator of the Kingdom of Spain. The Commander's Cross of the Order of Saint Gregory the Great, civil class: July 2, 1913. — To the Reverend Doctor Enrico Gripat, of the diocese of Angers. The Commander's Cross of the Order of Saint Sylvester the Pope: July 15, 1913. — To the Reverend Bartolomeo Vaassen, of Aix-la-Chapelle, in the archdiocese of Cologne. The Knighthood of the Order of Saint Gregory the Great, civil class: July 2, 1913. — To the Reverend Antonio Matre, general secretary of the federation of Catholic societies of the United

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States of America in Saint Louis (Missouri). July 4. — To the Reverend Gabriele Buprich Robert, architect of the Catholic Institute of Paris. — To the Reverend Adolfo Geoffray, sculptor, of the same archdiocese. — To the Reverend Gabriele Beauchesne, publisher, of the same archdiocese. July 7. — To the Reverend Tito Lamperi, of the archdiocese of Florence. July 15. — To the Reverend Doctor Enrico Knepper, of Elberfeld, in the archdiocese of Cologne. The Knighthood of the Order of Saint Sylvester the Pope: July 15, 1913. — To the Reverend Ermanno Gerhatz, of the archdiocese of Cologne. — To the Reverend Gaspare Reisen, of the same archdiocese. NECROLOGY. July 20, 1913. — The Most Reverend Francesco Maria Delamaire, Archbishop of Cambrai. July 22. — The Most Reverend Vittore Corvaja, titular Bishop of Tripoli.

[*Latin ed. p. 361*]

Year V. - Volume V. August 12, 1913. No. 13. OFFICIAL BULLETIN OF COMMENTARIES. PAPAL ACTS. PIUS OPUS "FOR VOCATIONAL SUPPORT" IS ESTABLISHED AS AN ARCH-SODALITY WITH THE FACULTY OF ADMITTING MEMBERS EVERYWHERE. POPE PIUS X. For the sake of posterity. — We consider a work of such outstanding charity, already established for twenty-six years in Naples and entrusted to the Franciscan Order, which provides assistance to dying priests, and especially to those who have passed away from this world, praying for heavenly peace, to be truly worthy of the testimonies of Pontifical benevolence. We have received with joy this fruitful institution, which has already spread to many dioceses, encompassing a large number of members, all of whom either offer prayers for deceased priests on the sixth of February each year, as prescribed, or perform other religious works for the souls of the departed. This has led Us, as well as Our predecessor, Pope Leo XIII, to pursue this pious work with special favor, and We are pleased to consider it worthy of being enhanced with a new and more fitting title. Therefore, We humbly accept the earnest prayers offered to Us by the esteemed son, the founder and director of this Association, and We hereby, with Our Apostolic authority, elevate and establish the aforementioned pious work, which is called "FOR VOCATIONAL SUPPORT" and canonically established in the city of Naples, into an Arch-Sodalitas with the customary privileges, permanently, with the firm hope that it will receive greater growth in the Lord. To the officials and members, present and future, of this Arch-Sodalitas thus established, We grant that they may, as they deem fitting, include other documents in its records.

[*Latin ed. p. 362*]

Acts of the Apostolic See. - Official Commentary. We grant and bestow, with Our authority, by the tenor of the present document, that societies,

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bearing the same name and belonging to the same institute, existing throughout the world, may, while preserving the form of the Constitution of Our Predecessor, Pope Clement VIII, entitled "Quaecumque a Sede Apostolica," and other Apostolic ordinances issued above, lawfully aggregate with them, and may communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted by the Apostolic See to that society, or those that may be granted to it in the future, as well as those that may be granted to others, and may validly exercise them, under the same authority. We decree that these Our Letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and shall fully suffice for those to whom they pertain, both now and in the future, in all things and through all things; and that, accordingly, in matters concerning these things, they ought to be judged and decided by any ordinary or delegated judge, and that they shall be null and void if anyone, with any authority, knowingly or unknowingly, should attempt to interfere with them in any way. Notwithstanding any contrary provisions. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the eleventh day of January, in the year 1913, in the tenth year of Our pontificate. R. CARD. MERRY DEL VAL, L. Çfc S. a Secretis Status. LETTERS. I. TO HIS MAJESTY, GUILHELMO II, EMPEROR OF GERMANY, KING OF PRUSSIA, ON THE TWENTY-FIFTH ANNIVERSARY OF HIS REIGN. Sire, The jubilee of twenty-five years of glorious reign is a very opportune occasion to offer Your Majesty congratulations and wishes. The Sovereigns and Governments of all countries desire to have the honor of participating in the unanimous concert of tributes that filial piety and respectful admiration of Your peoples are preparing to offer in solemn acclamations. It is a joy for Us to address You, through this message, amidst the universal joy, Our most fervent wishes for a long life, glory, and success.

[*Latin ed. p. 363*]

Acts of Pope Pius X, 363. We pray to the Lord, the source of all power and all dominion, that He may grant health and happiness to Your Majesty, and peace and prosperity to the vast Empire which owes so much good to You. On this happy occasion, it also pleases Us to express Our heartfelt gratitude to Your Majesty, who desires to ensure the happiness of Your Catholic subjects, whose devoted loyalty is well known to You. We ask God in return that the moving spectacle of the affection of Your people may renew the vigor and strength of Your heart, so that You may for a long time yet bear the weight of the scepter and the crown for the greatest good of the German nation. While imploring divine favor for the preservation of Your August Person, We associate with Our prayer and Our wishes Her Imperial Majesty the Empress and all members of the Imperial Family. From the Vatican, June 5, 1913. PIUS PP. X. TO THE REVEREND FATHER JOSEPH

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HISS, DIRECTOR OF THE MARIAN SOCIETY, ON THE FIFTIETh ANNIVERSARY OF THE RELIGIOUS VOWS WHICH HE HIMSELF MADE. Beloved Son, greetings and the apostolic blessing. – The fiftieth anniversary of the religious vows which you made has now arrived, and we know that this same occasion brings not only joy to you, but also to all the members of the Institute which you direct. Indeed, beloved Son, this is a clear sign of the exceptional esteem in which your virtues are held: and We are sincerely pleased to congratulate you on this, and We rejoice with you. May God grant that your colleagues may continue to have you as their leader and teacher for a long time, so that this Marian Institute may flourish without any interruption of time. This is what We desire for you and for yours, and We ask for it from God, and We bestow upon you, beloved Son, and upon all, the apostolic blessing, which, with the help of heavenly blessings, We impart to you and to all in the Lord. Given in Rome, at St. Peter's, on this twenty-fifth day of June, in the year 1913, in the tenth year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 364*]

Acts of the Apostolic See. - Official Commentary. 364 III. TO THE MOST REVEREND DOM CAELESTINUS ENDRICI, BISHOP OF TRENT, FOR THE PURPOSE OF CONGRATULATIONS. Venerable Brother, greetings and the apostolic blessing. — We were pleased to learn through your letter that, in your diocese, solemn and celebrated ceremonies were held to commemorate the secular anniversary of the Edict of Constantine, by which the Church was first permitted to enjoy peace and freedom publicly; and that many came to the sacred Synaxis, to pray to Jesus, God, and to beseech for the full measure of liberty for the Church, our Mother, and for her safety. We readily acknowledged your most heartfelt piety and faith towards Us. Therefore, we thank you, venerable Brother, and your clergy and people from the bottom of our hearts; and, in return for the honor you have bestowed upon Us, we impart the apostolic blessing, a pledge of divine graces, with the greatest affection for you. Given in Rome, at St. Peter's, on the third day of the month of July, in the tenth year of Our Pontificate. PIUS PP. X. SUPREME SACRED CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES). DECREE CONCERNING THE INDULGENCE ALREADY GRANTED TO THE FAITHFUL WHO GREET EACH OTHER BY INVOKING THE NAME OF JESUS, AND ALSO THE NAME OF MARY. There are those whose pious love for the Blessed Virgin is so great that they cannot mention Jesus without also invoking the glorious name of His Mother, our co-redemptrix, the blessed Mary. This commendable custom extends to that invocation, or Christian salutation, concerning which a Decree was issued by the Supreme Holy Congregation on March 27, 1913. Indeed, in many places, Christians greet each other with these words: "Praise Jesus and Mary - Today and always." Lest these words

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should be lost...

[*Latin ed. p. 365*]

The Most Holy Congregation of the Holy Office, the Sacred Congregation of the Consistory, and the Council, on the 365th day, granted Indulgences solely in the invocation of the Name of Jesus, with the following conditions: In the presence of the Most Holy Lord Pope Pius PP. X, on the 26th day of the month of June, 1913, during an audience granted to the Reverend Father, Assistant of the Holy Office, it was requested that he would deign to grant, that those mutually greeting each other under the invocation and praise of the most holy names of Jesus and Mary, might obtain the same indulgences as those who praise only the most holy name of Jesus. His Holiness, most readily accepting these petitions, granted the extension of grace, and ordered that a Decree be issued accordingly. Notwithstanding any contrary things. M. CARD. RAMPOLLA. L. £B S. f D. Archbishop of Seleucia, Assistant of the Holy Office.

SACRED CONGREGATION OF THE CONSISTORY. COLLATION OF ARCHIEPISCOPAL TITLES. Our Most Holy Pope Pius PP. X, by a decree of the Sacred Congregation of the Consistory, dated August 1st, 1913, personally conferred upon the Reverend Father Charles Francis Turinaz, for the sake of greater honor, the archiepiscopal title of Antioch of Pisidia, retaining, however, the title of Nancy and its seat, as well as the title and church of Toul.

SACRED CONGREGATION OF THE COUNCIL. NOTICE. The Sacred Congregation of the Council makes known that the priests Idolando Sarzana and Hostilius Garbini, from the diocese of Viterbo, do not have the faculty of collecting alms for celebrating Masses.

[*Latin ed. p. 366*]

Acta Apostolicae Sedis. - Official Commentary. 366 SACRED CONGREGATION FOR RELIGIOUS ORDERS. A QUESTION REGARDING THE MANUSCRIPTS OF RELIGIOUS. The Sacred Congregation for Religious Orders, in a plenary session held at the Vatican on June 2, 1911, considered and resolved certain questions concerning the manuscripts of Religious, as can be seen in this Commentary (page 270 of the same year). Now, it has again been asked: "Do Religious, whether those who have taken solemn vows or those who have taken simple vows, who have written a manuscript while under vows, retain ownership of it, so that they may be able to donate it or alienate it by any title whatsoever?" And the Most Eminent Cardinals of this Sacred Congregation, in a plenary session held at the Vatican on July 11, 1913, responded: "No." The Most Holy Pope Pius X, referring to the undersigned Secretary of the Sacred Congregation, approved and confirmed this response on July 13, 1913.

O. CARD. CAGIANO DE AZEVEDO, Pro-Prefect.

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L. © S. fDonatus, Archbishop of Ephesus, Secretary.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH.

DECREE.

THE APOSTOLIC PREFECTURE OF THE ISLAND OF FORMOSA IS ESTABLISHED. In order that the care of the Brothers may, with good fortune, lead to an increase in the faith on the island of Formosa in the future, prayers have recently been offered that the aforementioned island, which has recently been brought under the jurisdiction of the Japanese Empire, be separated from the Apostolic Vicariate of Amoy, and established as a separate mission.

[*Latin ed. p. 367*]

The Holy Congregation of the Propagation of the Faith, 367. Concerning this matter, after having instituted an examination, the Eminent and Reverend Fathers, Prefects of the Sacred Council for the Propagation of the Faith, in a plenary session held on the 7th of the aforementioned month, having carefully considered all things, decided that a portion should be separated from the Apostolic Vicariate of Amoy, consisting of the island of Formosa and other islands adjacent to it, which are currently subject to Japanese dominion; and that a Prefecture Apostolic should be established from this portion, to be distinguished by the name of the Prefecture Apostolic of the Island of Formosa, the spiritual administration of which will, for the time being, be retained by the Fathers Preachers of the Province of the Most Holy Rosary of the Philippine Islands. This opinion of the Eminent Fathers was reported by the undersigned Secretary of this Holy Congregation, Most Reverend Father P. P. X, in an audience on the 14th of the same month, and His Holiness approved and confirmed everything, and ordered that the present Decree be issued concerning this matter. Given in Rome, from the offices of the Holy Congregation of the Propagation of the Faith, on the 19th of July, 1913. Fr. H. M. CARD. GOTTI, Prefect. L. S. C. Laurenti, Secretary. II. DECREE. THE BOUNDARIES BETWEEN THE APOSTOLIC VICARIATES OF FUKIEN AND AMOI ARE CHANGED. With a view to the greater propagation of the Christian name, the most prudent Bishops of the Apostolic Vicariates of FUKIEN and of Amoy, existing in the province of Fukien in China, unanimously petitioned the Holy See that a more suitable division of boundaries be established between the two Vicariates. After the Eminent and Reverend Fathers of this Congregation had duly considered this matter in a plenary session held on the 7th of July of the aforementioned month, they decided that the civil prefectures of Lun-yen-chou, Yung-chun-chou, and Hsing-hua-fu, together with the island of Nan-jih and any other small islands that

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belong to the prefecture of Hsing-hua-fu, should be separated from the Apostolic Vicariate of FUKIEN; and that these regions should be added to the neighboring Apostolic Vicariate of Amoy, from which, by a Decree of this same day, the island of Formosa, together with other nearby smaller islands that are currently subject to Japanese dominion, is separated.

[*Latin ed. p. 368*]

Acts of the Apostolic See. - Official Commentary. 368 This opinion of the Fathers was ratified by the Most Holy Pope Pius X in an audience on the 14th of the same month, and, as previously stated in this matter, a decree was ordered to be drawn up. Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, on the 19th of July, 1913. Fr. H. M. CARD. GOTTI, Prefect. L. S. C. Laurenti, Secretary. III. DECREE. THE APOSTOLIC PREFECTURE OF THE LAND OF WILLIAM IS DIVIDED INTO TWO. The Land of William, located in the northeastern region of the island of Novae Guinea, which had been established as an Apostolic Prefecture and entrusted to the Fathers of the Society of the Divine Word since the year 1896, who diligently proclaimed the Holy Gospel to the peoples of that region, whether blinded by infidelity or already infected with the stain of heresy. In order that more abundant spiritual fruits might be gathered for the glory of God and the salvation of souls, the Reverend Father Everardus Limbrock, Apostolic Prefect, humbly offered repeated prayers to this Holy Congregation, which is dedicated to the propagation of the Christian name, requesting that a portion be separated from the same Apostolic Prefecture, and that another mission, or Prefecture, be formed, to be entrusted to other evangelizing workers. Since the Fathers of the Society of the Most Sacred Hearts, commonly known as the Picpus Fathers, were prepared to undertake and properly cultivate such a mission, it was decided by the superiors of both religious societies to proceed in this manner. And so, with their mutual consent, and with the approval of the Reverend Prefect Apostolic, the most eminent and Reverend Fathers of this Holy Congregation, for the propagation of the Christian name, in general assemblies held on the 7th of the aforementioned month of July, having duly examined this important matter, and having carefully considered all things, decided as follows: That a portion shall be separated from the Apostolic Prefecture called the Land of William, which extends from the western limit of the same Prefecture to the longitude of 142.22 (Greenwich), towards the east.

[*Latin ed. p. 369*]

The Most Holy Congregation of the Propagation of the Faith, number 369, and specifically concerning the area commonly called Eitape; that part is to be erected as an Apostolic Prefecture, to be called "Western Terra Gulielmi," while the other part will henceforth be called "Eastern Terra

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Gulielmi"; and finally, this new Prefecture is to be entrusted to the Fathers of the Society of the Most Sacred Hearts, commonly known as the Picpus Fathers. The opinion of these most eminent Fathers, which was reported in an audience on July 14th by the undersigned Secretary of this Holy Congregation to His Holiness Pope Pius X, of blessed memory, was most graciously approved and ratified by His Holiness, and the present Decree was ordered to be issued for this purpose. Given in Rome, from the offices of the Most Holy Congregation of the Propagation of the Faith, on July 25th, in the year of Our Lord 1913. Fr. H. M. CARD. GOTTI, Prefect. L. © S. C. Laurenti, Secretary. IV. NOMINATION OF A BISHOP. By an Apostolic Brief, he was nominated: July 16, 1913. — Apostolic Coadjutor of Cameroun and titular Bishop, Reverend Father Hennemann, of the Society of Missions, for the future succession of the Coptic Rite, Reverend Father Vicar.

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE RITUALS. I. BITURIGEN. CONCERNING THE FEAST OF THE HOLY SEPULCHRE CELEBRATED OUTSIDE OF THE PASCHAL SEASON. The Reverend Aristides Bédu, pastor and dean of the new Church of the Holy Sepulchre in the diocese of Bourges, obtained, through a decree issued by the Sacred Congregation for the Rituals on July 1st, 1910, permission to recite, in his church, each year on July 15th, the Office of the Holy Sepulchre of Our Lord Jesus Christ, as that same Office is found in the Roman Breviary – Seraphic, under the Second Sunday after Easter; now, however, the aforementioned priest earnestly requests that the obtained Office, which in the Roman-Seraphic Breviary is suitable only for the Paschal season, be properly adapted so that it may be appropriately recited outside of the Paschal season. The Sacred Congregation for the Rituals, after considering the report of the undersigned Secretary, and with the support of the liturgical commission, decided to respond to the petition as follows: "For the Matins of the feast of the Holy Sepulchre, all the antiphons shall be taken from the same Common of the Dedication of a Church, from which the Psalms are already taken; the Lesson IX shall be taken from the Appendices, as indicated below; and with regard to the singing, the approved chant for the Brothers Minorites shall be used, and in the added parts of the Mass, the decrees concerning the approval and publication of Gregorian chant shall be observed." Lesson IX. Therefore, Peter, having seen the resurrection, which the Son of God had foretold, fulfilled; he, who had come with anxiety, departed with security. However, Mary, unaware of the resurrection, did not cease to shed tears, not knowing that this was the glory of the body of the Lord, which she considered an injury. The angel, as the Evangelist testifies, rather forbade her empty lamentations than consoled her: "Woman," he said, "why do you weep?"

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He does not ask the cause of her tears as if ignorant, but rebukes her importunate weeping. "Mary," he said, "why do you weep?"

[*Latin ed. p. 371*]

Sacred Congregation of Rites. 371. When, without any just cause, the funeral rites are omitted, but the body of Jesus Christ, by its very virtue, rises again, how can one claim that it is not an act of piety, but a sacrilege? The same temporary grief of Mary in Fondi ought to have been a cause for rejoicing. And so it was written and ordered to be observed. February 15, 1913. Fr. S. Cardinal Martinelli, Prefect. L. & S. Petrus La Fontaine, Bishop of Chariest, Secretary. II. ORDER OF THE MINOR FRATIARS. CONCERNING THE FEAST OF SAINT MARY OF THE ANGELS OF THE PORTIUNCULA. The present Father Minister of the Province of Saint Mary of the Angels, from the Principality, of the Order of the Minor Friars, humbly requested our Supreme Lord, Pope Pius X, with fervent prayers, that the titular feast of his province might be celebrated in the future by the Friars of that very province, according to the double rite of the first class, with an Octave, according to the special rubrics of the Roman-Seraphic Breviary, numbers 16 and 47, under the title of the Dedication of Saint Mary of the Angels of the Portiuncula, on its proper day, namely, August 2nd, with the Office and Mass approved for the Mexican regions; retaining, however, the readings of the first and second nocturns from the Roman-Seraphic Breviary, and taking the readings of the third nocturn from the Office of the Blessed Virgin Mary of Mercy, granted to the Savonese clergy: so that the Office of the Common Dedication of a Church, according to the aforementioned special rubrics, number 139, may be omitted. Furthermore, His Holiness, having heard the Prefect of the Sacred Congregation of Rites, the undersigned Cardinal, and having considered the respectful presentation of the Reverend Father Procurator General of the Order, deigned graciously to grant the request in all respects, according to the prayers, preserving the rubrics. Contrary provisions notwithstanding. February 26, 1913. Fr. S. Cardinal Martinelli, Prefect. L. © S. Petrus La Fontaine, Bishop of Chariest, Secretary.

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA I. GE-LI, SOUTHWESTERN REGION. NULLITY OF MARRIAGE (WANG-SANG). Under the blessed reign of Pope Pius X, in the tenth year of his pontificate, on April 16, 1913, the Most Reverend Fathers, Franciscus Heiner, presiding, Ioannes Prior, and Aloisius Sincero, Auditors, in the case of Ce-li, Southwestern Region - Nullity of Marriage, at the request of the Defender of the Bond of the Apostolic Vicariate of Ge-li, Southwestern Region, between Ioannes Baptista Wang, represented by his legitimate procurator, Antonium Cagiano de Azevedo, advocate, and Anastasiam Sang, who in-

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tervened and disputed in the case of the Defender of the Bond, rendered the following final judgment. Ioannes Baptista Wang, a Chinese widower, who had been received into the Catholic religion from his youth, and a prosperous farmer in the village of Kia-Tsonen in the Apostolic Vicariate of Ce-li, Southwestern Region, in the year 1906, conceived the idea of entering into marriage again. Then Paulus, a son from his former wife, suggested to his father a certain widow, residing in the city of Tchai-Tsum, who was endowed with virtuous character and a pleasing appearance. The father, although he had never seen this woman, named Lu Caecilia, immediately agreed and, according to Chinese custom, at the suggestion of his son Paulus, entrusted his friend Ioanni Yu with the task of negotiating a marriage with the widow Lu Caecilia on his behalf. However, Caecilia, when questioned by Ioanni Yu, replied that she did not wish to enter into a new marriage, but she presented him with another widow, namely Anastasiam Sang, and asked him to negotiate a marriage with Ioannes Wang on her behalf! The mediator, without first ascertaining the wishes of the party concerned, then asked this widow whether she wished to marry Ioannes Wang, and immediately took her, accompanied by Caecilia, to the orphanage in the village of Paitang, near the village where Ioannes Wang resides. The mediator informed Paulus of the substitution of the woman, but neither he nor Paulus informed Ioannes Wang of this. Furthermore, the mediator called the party concerned to come and see the woman who had been brought. However, Ioannes, being busy with business, did not come, but sent only his housekeeper, who, being an elderly woman (72 years old) and of limited judgment, reported a favorable impression to Ioannes. Anastasia herself,

[*Latin ed. p. 373*]

The Roman Rota. In a case concerning the celebration of a marriage, which had lasted for three or four days in an orphanage, the woman repeatedly requested to see the future husband beforehand, but to no avail. On the appointed day, John arrived at the church, and the priest, wearing the sacred vestments, approached the altar. Then the woman was brought forward. When asked for her consent, she replied: "How can I say 'no'? I want to!" After the sacred rites were completed, as they were leaving the church, the man saw the woman for the first time, and noticing that she was unattractive and had gray hair, he was greatly angered. Upon discovering the substitution of the woman, he firmly protested, stating that he could by no means consider her to be his wife. The matter eventually reached the point where, through the intervention of friends, the man agreed to take the woman into his home, but not as his wife, but as a servant. Due to the frequent insults and beatings from the man's side, the woman repeatedly fled from the house, but each time she returned. Finally, on the feast of the Epiphany, in the year 1907, the woman fled again, and did not

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return. Therefore, John, who had never considered himself to be validly married to Anastasia, having been deceived by trickery in the very essence of the Sacrament, appealed to the ecclesiastical tribunal, requesting that the marriage be declared null and void due to a substantial error concerning the person. On September 27, 1910, a judgment was issued, in which the marriage of Wang-Sang was declared null "at least due to a substantial error concerning the person." The defender of the marriage then filed an appeal to the Sacred Congregation of the Sacraments. The case was then referred to the Holy Office, to be decided under the formula: "Whether in this case, the marriage is null." It must be noted that, in this case, the marriage can be challenged not only on the grounds of a substantial error concerning the person, but also on the grounds of a defect in the woman's consent. For, as appears from the records and evidence, the woman, on those days when she was in the orphanage before the wedding, insisted that she be allowed to see the future husband. Later, on the morning of the wedding, she stubbornly insisted again, and even refused to enter the church unless the man was shown to her beforehand. However, Paul and the mediator earnestly dissuaded her, and finally, under the pretext that the priest had been waiting for too long, they forced her to enter. Thus, the woman, being disturbed, approached the altar, and before she could fully understand what was happening, the priest immediately asked her about her consent, and she replied with those very words: "How can I say 'no'? I want to!" Therefore, the judge of the first instance rightly said: "Regarding the woman's consent, Sang must be considered to have 1) constantly and until the very last moment, and before all present, affirmed her will to see her future husband, saying that she did not want to marry unless she saw him first. It must be noted..."

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis. - Commentarium Officiale. « 2) That those who hindered her from seeing him are the same who doubted the change before John the Baptist. From the words of the woman responding to the priest who questioned her, her consent does not appear; rather, her indignation and repugnance, placed in anguish and not knowing to what she was turning, are evident. Therefore, it is not certain about the woman's consent. However, there is a difference: it is one thing to say that consent is not certain, and another to say that it is certain that there was no consent. Since the head of the accusation, based on the lack of the woman's consent, has a very tenuous foundation, the Reverend Fathers considered that the lack of the woman's consent presented in the case should be omitted, especially since in this case, due to a substantial error about the person, the nullity of the marriage is already sufficiently established. And indeed, in law, it is well known that a substantial error about the person itself is an impediment that dissolves marriage according to natural law. « It is certain

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among all, as Sánchez teaches, book VII, section 18, that an error about the person, that is, which is the cause for a marriage to be entered into, which otherwise would not be entered into, dissolves the very marriage... Furthermore, although the error is foolish and crass, I believe it is sufficient to dissolve the marriage, when it occurs concerning the person. Coscius, in De separ. thori, book I, chapter 2, number 2, says: « An error about the person is when one thinks he is Vigilius and is Plato... « Without a doubt, an error about the person dissolves the marriage, just as if a woman, thinking and intending to marry the firstborn, marries another; or if someone, thinking he is marrying Bertha, marries Seja, not only according to positive law, but also according to natural law, because the person is the primary and substantial object of marriage. Wernz, Ius Decret., volume IV, part 2, chapter L, number 225, teaches excellently: « A substantial error about the person, whether antecedent or concomitant, vincible or invincible, arising from deceit or without fraud, in a culpable or non-culpable person, or due to the fault of the errant person or the non-errant person, constitutes an impediment that dissolves marriage, not merely by ecclesiastical constitution, but according to natural law. For the essential value of marriage requires mutual marital consent between two persons sufficiently determined, but by a substantial error about the person of the other spouse, in the errant spouse, mutual marital consent is completely impeded, since the consent of the errant spouse is directed to a third person entirely different from the one with whom he is contracting. Therefore, according to natural law, the value of marriage is completely impeded by this kind of error. Finally, Cardinal Gasparri, in De Matrim., II, number 889, explains the substantial error about the person in this way: « An error of fact concerning the person is verified when someone wants to contract with a certain and determined person, e.g., Mary, whom he falsely believes to be the one present, with whom he contracts. »

[*Latin ed. p. 375*]

The Roman Rota. 375 In this case, there is no doubt that, because in the case of John Wang, who wished to enter into marriage with Lu Cecilia, he mistakenly believed that the woman present was Lu Cecilia. John Wang, wishing to enter into new nuptials, proposed to Paul, the son of a widow, namely Lu Cecilia, from the district of Tchai-Tsum, whom Paul knew to be a woman of pleasing appearance, of sound morals, of good character, and endowed with the capacity to manage a household. Upon hearing this, the father declared that he wished to marry Lu Cecilia. A witness to this fact is the son, Paul Wang, who, when asked, "Before your father entered into marriage, did you advise him about the kind of person [he should marry]?" replied: "I asked him if he wished to marry the widow Lu Cecilia from the district of Tchai-Tsum, and he told me that he did... I informed him about the good character, the capacity to manage a household, and the appear-

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ance of that woman, because I was engaged in business near the district of Tchai-Tsum and I knew that widow well." When asked, "Did your father, upon hearing this, wish to marry that person?" he replied: "He did." This is confirmed by the father, John Wang. When asked, "What kind of [woman] did you wish to marry?" he replied: "I wished to marry a widow from the district of Tchai-Tsum." When asked again, "What kind of woman, and of what age, did you wish to marry?" he replied: "They told me that she was 37 years old." Finally, when asked, "At the time when the marriage blessing was being given, which woman were you marrying?" he replied: "I thought I was marrying the widow from the district of Tchai-Tsum." John Yu, a friend of John Wang, received a commission from him to go to the district of Tchai-Tsum to obtain Lu Cecilia's consent to the marriage. Thus, this witness testified: "I was the mediator in this marriage... I intended to invite and bring the widow Lu Cecilia, so that she would marry John Wang." Therefore, from the testimonies of Paul Wang and John Yu, which are confirmed by the plaintiff, it is clear that John Wang decided to marry a specific person, namely Lu Cecilia, from the district of Tchai-Tsum, 37 years old, endowed with certain qualities that made her a completely desirable spouse. He consented to this, and gave a commission to his friend to obtain this woman's consent to the marriage. However, the woman, Lu Cecilia, definitively refused, and the commission ceased. The commission given was not an alternative one, but an exclusive one, as we learn from the words of the witnesses. When asked, John Yu, "Since she did not wish to, why did you not immediately return?" he replied: "Because the widow Lu indicated to me another widow whom I did not know." There is no mention of a general mandate to seek a wife for the plaintiff, nor of any dealings with another woman, if the specific person refused.

[*Latin ed. p. 376*]

376 Acta Apostolicae Sedis. - Official Commentary. had refused. The mediator could indeed seek another woman for John Wang to marry, but the consent given previously could not be transferred by force to another person. It was necessary to warn John Yu, his friend, about the substitution of persons, so that he might give his new consent to the woman. However, no one warned John Wang about the substitution that had been made, and the groom brought the bride to the church, believing that he would be contracting marriage with Lu Caecilia, as almost all witnesses testify, with no one contradicting. In the first place, Paul Wang and John Yu testify that they did not know about the substitution that had been made. Anastasia Sang then affirms that she did not see the man before the celebration of the marriage, which other witnesses confirm, namely, Lu Caecilia, Mary Yen, John Yu; and the missionary priest, Peter Tcheng, who attended the celebration of the marriage, testified: "As soon as they arrived in the village of Paitang, I knew that a substitution of persons had been made. Then I

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warned Yu John to seek out John Baptist Wang to see that woman... Wang did so up until the day of the marriage." Finally, the young woman who was sent to the man to see the future bride testifies that she did not know, before the marriage, about the substitution that had been made. Therefore, from these statements, it is clear that the actor renewed the consent previously expressed by force, concerning the determined person, Lu Caecilia, which consent, therefore, had no value with respect to the woman Anastasia Sang, with whom the external rite was performed. Furthermore, the substitution, or change of person, made without the knowledge of the groom, is confirmed by the behavior of John Wang immediately after the completion of the marriage rite. The bride speaks as follows: "After the blessing, as I was leaving the church, Wang I.B. looked at me with a stern expression. 'I heard others saying that he does not want me because I am of advanced age.' Then I wanted to return to my family with my relative. 'But they, along with others, urged me to stay, saying that he would treat me better after a few days.'" Paul Wang further testified about the civil ceremonies that followed the celebration of the marriage: "My father was not present in the courtyard where they were performing the civil rites, but, overcome with sadness, he had withdrawn to another courtyard, and he did not eat, nor did he speak a word to anyone, even when questioned." Furthermore, in response to the judge's question, "Were there any who urged your father to accept her as his wife?", he replied: "Many were. But my father never wanted to hear them, and he considered those who spoke such things to be malicious for a long time. Even my aunt was urged to speak to him. But he did not speak a word to her." Similarly, other witnesses testify. All of these things clearly demonstrate that the marriage consent...

[*Latin ed. p. 377*]

Saint Bonaventure, Book 3, Chapter 77: It was given as a fact that the groom had promised a dowry, under the supposition that Lu Caecilia was present at the altar, adorned with the gifts described by the groom, Paul, when, in truth, another woman, namely Anastasia Sang, was present. Therefore, John Wang is to be blamed for negligence in a matter of such importance, and his error was both foolish and grave, and culpable. However, this does not prevent, according to the words previously quoted from Sanchez and Wernz, that, according to the law of nature, no consent is valid and of no effect when given due to a substantial error concerning the person. Nor can it be said that the marriage, initially invalid, was healed over time through prolonged cohabitation and marital intercourse. Indeed, neither peaceful cohabitation nor marital intercourse took place. Lu Caecilia testifies to this: "After the civil ceremony, I urged her to enter the marital bedroom. She did so and spent the night. But in the morning, she called me and said that she absolutely wanted to leave, because the husband had disdained her." Furthermore, Anne Soung testified: "I heard

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the widow herself say: 'John Wang warned me: 'You must not violate me, nor will I violate you." Mary Wang testified: "I heard the widow Sang tell me: 'I dislike him, and he dislikes me.'" Father Peter Tcheng, however, said: "The woman Sang, after a few days, herself told me in express words, while she was fleeing, 'I am now in such circumstances that I cannot remain in his family; he does not take me to the bedroom; he told me, 'You are unworthy of me." Finally, the missionary Jaladieu said: "I asked her (Anastasia): 'Why did you stay outside for so long?' She replied that 'she was afraid of being killed by J.B. Wang.'" The husband himself completely denies that any intercourse ever took place, and the presumption of the truth of his assertion is based on the vehement and continuous rejection he showed towards the woman, as the witnesses agree, including the widow Sang herself. It does not invalidate the matter that the woman testified against the sworn testimony of the husband that intercourse had taken place once. Regarding this testimony of the woman, the priest cited above says: "Four days ago, I saw Lu Caecilia and I said to her: 'How is it that I heard before that they did not have marital relations, and now the widow Sang says that they did have them once?' The widow Lu Caecilia replied to me: 'Perhaps others have advised her to say that, so that she might receive some money.'" However, the appeal judgment states: "Regarding the consummation of the marriage, from the testimonies of the witnesses, it seems impossible that John Baptist consummated the marriage with the woman Sang, not even materially (that is, to satisfy lust, in which case the matter of the validity of the marriage cannot be spoken of), let alone with marital affection. The words of the woman Sang, affirming that the marital act was performed once, do not agree with the circumstances, even as related by herself." *Acta*, Vol. V, No. 13. — August 12, 1913.

[*Latin ed. p. 378*]

378 Acta Apostolicae Sedis. - Official Commentary. "It is understood that she spoke thus, only on the occasion of the judgment, with 'the hope of obtaining financial assistance more easily.' Considering all these things, both in law and in fact, having carefully considered them, and invoking the Name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, respond to the proposed question: Affirmative, that is to say, that the marriage is null in this case. Thus We pronounce and definitively judge, ordering the Ordinaries of the places and the ministers of the tribunals, to whom it pertains, to enforce this Our definitive judgment, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reform, of the Council of Trent, using the executive and coercive means that are more effective and appropriate for the circumstances. Rome, on the 16th of April, 1913. Franciscus Heiner, President. Ioannes Prior. Aloisius Sincero. T. Tani, Notary.

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THE ORDER.

CONCERNING THE AUTUMNAL HOLIDAYS.

His Holiness Pope Pius X, of blessed memory, having learned, from the report of the undersigned Dean, that it has been proven by experience that judicial processes are better carried out and expedited if the autumnal holidays are anticipated for a certain time, and that this is the desire of the Most Reverend Auditors, ordered and decreed that the autumnal holidays shall run from the 24th of August to the 14th of October, and ordered that this be observed from the current year.

July 5th, 1913.

M. LEGA, Dean.

[*Latin ed. p. 379*]

379 Apostolic Signatura. THE APOSTOLIC SIGNATURE OF COLOGNE. SENTENCE REGARDING NULLITY, OR NULLITY OF MARRIAGE (HOSPELT-BERNARDT). The Most Reverend Anthony Hospelt, the plaintiff, represented by his lawful procurator, Christopher Astorri, advocate; and the Lady Aloisia Bernardi, the defendant, who, having been summoned, did not appear; with the Defender of the Bond intervening and arguing in the cause. Anthony Hospelt, a Catholic, born in the illustrious city of Cologne, Germany, from a wealthy family, on October 26, 1882, having reached the age of twenty, began military service, serving in the armed forces in Strasbourg. There, by a cruel fate, he fell into the trap of a certain woman, Ludovica Bernardt, from the Evangelical sect, who, using all the blandishments of amorous arts, so inflamed the unsuspecting young man with her affections that he promised to marry her, and also made other promises to give her a large sum of money. As soon as Anthony's parents learned of this woman's familiarity with their son, they were deeply distressed and sought to remove their son from this scandalous relationship; indeed, the father, in order to dissuade his son more forcefully from this mad scheme, threatened him with the penalty of disinheritance. For the law of the German Empire, in such cases, states according to paragraph 2383 of the Civil Code: "11 The heir may be deprived of his legitimate portion if, against the will of the one whose inheritance is in question, he leads a scandalous and immoral life." This threat of the father against his son, Anthony, did not succeed; rather, it served the cunning woman to devise a way to completely avert the danger of disinheritance. Therefore, after completing his military service, Anthony, who was still clinging to Ludovica, after having spent a few days with his parents, returned to her; and both of them first went to Lausanne, and then to Basel in Switzerland; in the latter city, Anthony, influenced by a certain relative of the woman, named Honauer, and then by another friend of the woman

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named Sübinger, began to consider going to London, where he, having already reached the age of twenty-six on October 26, without...

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis. - Official Commentary. Without any obstacle, he was finally able to celebrate his marriage with Ludovica. This reconciliation of the marriage seems to have been devised and arranged by the ingenuity of a clever woman. And indeed, both of them, without any further delay, set out for London. Upon arriving in that city on November 2nd of the same year, 1903, thanks to the efforts of a certain Tunk, who had been instructed by Ludovica's friends beforehand, and who had arranged for the arrival of Anthony and Ludovica in the city, the young man, having made up his mind, fulfilled his vow; for on the 4th of the same month of November, he contracted marriage with Ludovica before a civil official. After the marriage, the couple went to the city of Karlsruhe. There, they led a marital life together, until the summer of the following year, 1904, although it was not entirely, as is said, peaceful; nevertheless, peace and harmony did not last long in this union; for quarrels and complaints arose between the spouses, to such an extent that marital life became almost impossible. If one wishes to examine the origin of this event, the main cause was certainly the cooling of affections on both sides, and the resulting discord in their union, stemming from the fact that Ludovica had finally received the large sum of money (100,000 marks) which Anthony had promised her at the beginning of their love affair, a sum which benefited her most; on the other hand, Anthony, with the waning of his passion, felt disgusted and satiated by the allurements with which the young man had once been captivated. It also seems not unreasonable to suppose that Ludovica's relationships with other men, discovered at the same time that she was enjoying Anthony's marital union, caused the young man, finally shaken by this old infatuation, to regret his actions and to wish to separate from Ludovica as soon as possible, through a divorce. Then, according to a certain natural law of opposition, it happened that the flame of love, which had burned strongly in Anthony's heart since his early adolescence for a girl named Mariam of Asbach in Cologne, revived; with whom, even after Ludovica's marriage, he had not ceased to maintain correspondence. Therefore, in order to achieve his purpose of dissolving the marriage, and spurred on by the efforts, prayers, and solicitations of his parents, in June of the year 1904, Anthony filed a divorce petition with the civil court of Karlsruhe, but in November of the same year, he withdrew it; and in the following year, 1905, in June, he again filed the same divorce petition with the aforementioned courts. The court, however, rejected the first petition of the plaintiff, and admitted the divorce based solely on the fault of the husband, or the plaintiff, Anthony Hospelt, also granting the wife's counterclaim. With this

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judgment, Anthony...

[*Latin ed. p. 381*]

Apostolic Signatura. 381. Having been provoked!, he appealed to the court of second instance, and that court, sitting as a court of appeal, reformed the previous judgment of the court of first instance, which had been pronounced on May 20, 1908, and decided that the marriage contracted in the city of London on November 4, 1903, between the parties in dispute, was valid due to the fault of both. Believing himself to be free by this judgment, Anthony began to take steps to celebrate a marriage with the aforementioned young woman, Mary Asbach, before the Church. The parish priest of Anthony in the city of Cologne refused to grant him a certificate of freedom, because the young man had entered into a civil marriage in England with Ludovica Bernardt, unless that civil marriage were first declared null by a judgment of ecclesiastical authority. The Court of Cologne, to which Anthony had presented a petition to obtain a declaration of the nullity of that civil marriage, pronounced a judgment on April 22, 1909, in which it admitted the nullity of said marriage. However, the Defender of the Bond in the Court of Cologne immediately appealed this judgment to the Roman Rota. In the meantime, while the appeal was still pending, Anthony, impatient due to the intensity of his passion, entered into a civil marriage with the aforementioned young woman, Mary Asbach. Subsequently, the Roman Rota, having duly examined and considered the case in the first instance, on August 27, 1910, answered the question "Does a nullity of marriage exist in this case?" with: "No." When the appellant, Anthony Hospelt, having been provoked!, appealed to the court of second instance on June 10, 1912, a judgment was pronounced in conformity with the previous judgment, namely: "There does not exist a nullity of marriage in this case," or, regarding the question (whether the judgment of the Rota of August 27, 1910, should be confirmed or rejected in this case): "Affirmed in the first part; Negative in the second part," furthermore stating "that the appellant is to be held liable for all the costs of the proceedings." Against this judgment, which the Roman Rota had pronounced in favor of the marriage between Anthony Hospelt and Ludovica Bernardt, the appellant, through his lawyer, filed a recourse with this Supreme Apostolic Signatura, in order to obtain a declaration of the nullity of such judgment, or at least its modification. Therefore, the case was thoroughly examined in the session of the Supreme Tribunal held in the halls of the Vatican on July 12 of this year, with the Most Reverend Lord Francisco Cardinal Cassetta as the relator, and the question was: "Does a judgment of the Rota exist in this case, and is there a place for its modification?" The Most Reverend Judges answered: "No" to both parts. Furthermore, the Supreme Tribunal condemned and condemns Mr. Anthony Hospelt, the appellant, to pay the

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judicial costs.

[*Latin ed. p. 382*]

Acts of the Apostolic See. - Official Commentary. 382 And thus it was published, pronounced, decreed, declared, and definitively judged; and it was commanded that this definitive judgment should become public law, and that it should be enforced by all to whom it pertains; not only, etc., but also by all, etc. Given in Rome, from the halls of St. Thomas, on the 23rd day of the month of July, 1913. Nicholas Marini, from the Secretariat. L. "St. Joseph vs. Fornari, St. T. A. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. GENERAL CONGREGATION. On the 29th of July, 1913, in the apostolic palace of the Vatican, before the august presence of the Holy Father, the General Congregation of Sacred Rites was held, in which the Most Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the Theological Consultors composing the same, discussed and gave their vote on the question of the heroic degree of virtues in the Cause of Beatification and Canonization of the Venerable Servant of God, Michael Le Nobletz, priest and missionary. ORDINARY CONGREGATION. On the 5th of August, 1913, in the apostolic palace of the Vatican, the Ordinary Congregation of Sacred Rites was held, in which the following matters were presented to the judgment of the Most Eminent and Reverend Lords Cardinals composing the same: 1. Introduction of the Cause of Beatification and Canonization of the Servant of God, Sister Maria Bernarda Soubirous, of the Religious of Charity and Christian Instruction of Nevers; 2. Revision of the writings of the Servant of God, Joseph of Palermo, novice cleric of the Capuchin Friars.

[*Latin ed. p. 383*]

Diarium Romanae Curiae. 383 SECRETARIATUS STATI. NOMINA. Per tramite dei biglietti del Secretariatus Stati, Sanctissimus Pater dignatus est nominare: 28 Iulii, 1913. — Reverendissimum Patrem Philippum Maroto, procuratorem generalem Filiorum Cordis Immaculati Mariae, Consultorem sacrae Congregationis Supremae Inquisitionis. 6 Augusti. — Eminentissimum et Reverendissimum Dominum Cardinalem Benedictum Lorenzelli, Membrum sacrae Congregationis Rituum. Per Brevia apostolica, Sanctissimus Pater dignatus est nominare: Praelatos Domesticos S. S.: 27 Maii, 1913. — Reverendissimum Dominum Josephum Cassar, cappellanum marinarum catholicorum in Melita. 18 Iulii. — Reverendissimum Dominum Luigium Gasparrini, vicarium generalem dioecesis Nolae. 30 Iulii. — Reverendissimum Dominum Albertum Dien, directorem generalem "Opera Apostolica" in Parisiis. Per tramite dei biglietti del Secretariatus Stati, Sanctissimus Pater dignatus est nominare: Camerarios Secretos supranumerarios S. S.: 24 Iulii, 1913. — Reverendissimum Dominum Caesarem Donnini, ex dioecesi Cremonae.

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26 Iulii. — Reverendissimum Dominum Pierum Scarponi, canonicum penitentiarium cathedralis Maceratae. 27 Iulii. — Reverendissimum Dominum Robertum Bracci, canonicum penitentiarium cathedralis Pesari. 29 Iulii. — Reverendissimum Dominum Vincentium Sisto, ex dioecesi Casale. Camerarium honorarium in habitu paonaceo S. S.: 28 Iulii, 1913. — Reverendissimum Dominum Emiliium Mazzari, ex archidioecesi Brindisi. HONORES. Per Brevia apostolica, Sanctissimus Pater dignatus est conferre honores sequentes: Commendam cum placca Ordinis S. Sylvestri Papae: 21 Iulii, 1913. — Domino Nicola Berković, ex archidioecesi Sarajevi. — Domino Vincentio Lekki, ex eadem archidioecesi.

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis. - Official Commentary. The Commandery of the Order of Saint Gregory: July 29, 1913. — To the Most Noble Count Pietro Gaterini, exempt with the rank of Colonel in the Pontifical Noble Guard. The Commandery of the Order of Saint Gregory the Great, civil class: May 17, 1913. — To the Most Reverend Vincenzo Azzopardi, advocate of the Crown, of the diocese of Malta. — To the Most Reverend Giovanni Pullicino, judge of Her Britannic Majesty, of the same diocese. The Commandery of the Order of Saint Sylvester: July 20, 1913. — To the Most Reverend Giuseppe Spitalsky, of Bohemia. July 27. — To the Most Reverend Carlo Paulitshke, of Vienna. The Knighthood of the Order of Saint Gregory the Great, civil class: May 17, 1913. — To the Most Reverend Andrea Vassallo, of the diocese of Malta. — To the Most Reverend Antonio Lanzon, of the same diocese. July 24 — To the Most Reverend Emilio Pesenti, president of the diocesan administration of Venice. The Knighthood of the Order of Saint Gregory the Great, military class: May 17, 1913. — To the Most Reverend Tancredi Curmi, superintendent of the police in Malta. The Knighthood of the Order of Saint Sylvester: May 17, 1913. — To the Most Reverend Francesco Pace, of the diocese of Malta. May 22. — To the Most Reverend Lorenzo Balbi, of the same diocese. July 23. — To the Most Reverend Giovanni Battista Valsecchi, accountant, president of the Economic Union of the diocese of Venice.

NECROLOGY. July 28, 1913. — The Most Reverend Guglielmo Giles, titular bishop of Philadelphia. August 6. — The Most Reverend Giuseppe Uberto Drehmanns, bishop of Ruremonda.

[*Latin ed. p. 385*]

Year V. - Vol. V. August 30, 1913. No. 14. OFFICIAL COMMENTARY OF THE ASSOCIATION. PAPAL LETTERS. FULL AND PARTIAL INDULGENCES ARE GRANTED TO THE ARCH-SODALITY "FOR THE SUPPORT OF THE PRIESTHOOD" ERECTED IN NEAPLES. PIUS PP. X. For the perpetual memory of this matter. — By similar Letters, sealed with the ring of the Fisherman on the tenth day of January of the current year, we

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promoted the fruitful work "for the support of the priesthood," canonically erected in Naples, to the rank of Arch-Sodalit.y, with the faculty of adding to it societies and institutions bearing its name throughout the world. Now, however, when the beloved son Vincent Pelliccia, a priest, the present director of this pious work, earnestly implores us, so that those faithful who are now and in the future are admitted to or join this Arch-Sodalit.y may receive certain special indulgences and spiritual graces from our Apostolic benevolence, we consider it our duty, as far as in the Lord is possible, to grant such pious requests, which contribute to the good and growth of this most salutary work. Therefore, having heard the Most Reverend and Most Reverend Cardinals, General Inquisitors, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each who shall hereafter join this aforementioned Sodalit.y, and on the first day of their enrollment, if they are priests, having received sacramental absolution, shall celebrate Mass for the repose of the souls of deceased priests, and for the concord of Christian princes, the eradication of heresies, and the conversion of sinners.

[*Latin ed. p. 386*]

386 Acta Apostolicae Sedis. - Official Commentary. And may pour forth pious prayers to God for the exaltation of the Holy Mother Church; if, moreover, clerics, truly penitent and having confessed, and having received the Holy Communion, attend Mass, as mentioned above, and pour forth prayers, as we have said before, fully: and on the day on which the solemn commemoration is held, for the deceased members of Our Order and of the Most Holy Roman Church, as well as for bishops, priests, and clerics who have passed away, for all and each of those who are now and in the future canonically enrolled in the Archsodality, who likewise, having expiated their sins through holy confession and having been refreshed at Puebla, participate in this solemn commemoration, and there, as mentioned above, pray fully: finally, for those same individuals who are now and in the future enrolled and to be enrolled, if on the day designated by the Ordinary, on which due honors are paid annually to the deceased members, they are present; and likewise, if on the annual feasts of the Nativity of Our Lord Jesus Christ, the Assumption of the Virgin Mary, and the Immaculate Conception of the Virgin Mother of God, as well as on the most holy feast of the Body of Christ, from midday of the preceding day until sunset of the respective feast day, and also on one day of each month, chosen by each of them, from sunrise to sunset on that day, they visit their own Archsodality church, if it exists in the places where the members gather, or, failing that, their parish church, and there perform the acts of piety that we have previously mentioned, that is, having confessed, they refresh themselves at the "Angelorum Pane" and pray, as mentioned above, fully, we likewise grant a plenary indulgence. Furthermore, on the

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second day of November, on which the memory of the deceased faithful is commemorated in the Church, we likewise grant to the members of the same Archsodality, who are truly penitent and have confessed, and have received the Holy Communion, a plenary indulgence and remission of all their sins, as many times as they celebrate prayers, as we have said above, within the time that elapses from midday of the preceding day until sunset on the same day of commemoration, in their own Archsodality church or in the parish church of each of them. In addition to these, for the same faithful who are now and in the future enrolled in the Archsodality, whenever they pray for the deceased priests, at any time, whether in a public chapel or elsewhere, we remit three hundred days; and whenever they attend sacred services for the deceased of any particular member, or visit cemeteries, and there pray for the deceased members, we remit from the number of years of penance, as customary in the laws of the Church, seven years and forty days; and to the priestly members who now and in the future exist, we grant that on the day on which, at any church or chapel, they celebrate Mass for the repose of the souls of the deceased members, that Mass will benefit the soul for whom it was celebrated just as if it had been celebrated at a privileged altar. Finally, it is permissible for these members, with all of these plenary and partial indulgences.

[*Latin ed. p. 387*]

387. The Acts of Pope Pius X grant indulgences to those who perform the prescribed works, if they so desire. We wish that all societies of this Institute, and all those bearing its name, existing throughout the world, which are properly affiliated with the Neapolitan Archsodality, or which may be affiliated in the future, may participate in these present indulgences, notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences of this kind, and all other constitutions, ordinances, and regulations Apostolic, and all other contrary provisions whatsoever. We decree that copies or exemplars of these present Letters, even printed ones, signed by a public notary and sealed with the seal of a person of ecclesiastical standing, shall have the same validity as if the original documents were presented or shown. Given at Rome, near the blessed Peter, on the fifteenth day of July, in the year 1913, in the tenth year of Our pontificate. R. CARD. L. IJS A MERRY, Secretary of State.

LETTER TO THE REVEREND FATHER HYACINTH, PREACHER, MARIAM CORMIER, REGARDING THE GENERAL MEETING OF THE MASTERS OF THE ORDER TO BE HELD IN HOLLAND.

Beloved son, greetings and the apostolic blessing.

Since, by the secret counsel of God, we were undeservedly elevated to the Chair of Peter, all our thoughts and concerns have been directed towards the religious families, for we saw that they, having always deserved well of the Church and of the salvation of souls, would be of great use to us in

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restoring all things in Christ. To the end that this may come to pass as we desire, we have, as far as we are able, encouraged the religious members to follow the footsteps of the most holy men whom each Order venerates as its founders and parents; for it is clear to all that the more deeply the roots draw from the source, the more widely will the branches spread, and the more abundant will be the promised fruit.

Among these societies, the Order of Preachers rightly claims a share of our concern, both for the veneration it holds for our Patriarch, Saint Dominic, under whose auspices we have begun Our pontificate, and because we hold the doctrine of Saint Thomas Aquinas in very high regard: indeed, we desire that all may be imbued with it, so that they may correct the errors concerning divine and human matters.

[*Latin ed. p. 388*]

388. Acta, of the Apostolic See. - Official Commentary. That those things which are known everywhere may be brought to light, and that the Christian truth, clearly known, may deeply remain in the minds of all. Indeed, having been informed that, on the twenty-eighth day of this month, that is, on the feast of Saint Augustine, a general assembly of your Order will be held in Holland, with the aim of restoring the ancient life and spirit of the Dominican family, of preserving the traditions handed down by the ancients, and of perfecting the rules of discipline according to the needs of the times, We have considered in what way We might support your undertaking with Our counsel and authority. Having long and carefully considered this matter, We decree the following to you, Our beloved Son, who presides over the assembly, being certain that you will not, out of the utmost respect for Us, deviate even by a hair's breadth from the decrees We are about to establish.

I. Since the fervor of faith and charity is increasing day by day among the Christian people, and the number of those who desire to join religious congregations in order to attain evangelical perfection is also increasing, let the superiors of the Order carefully consider how to accommodate this growth; but let them be very careful not to hastily or en masse admit young men, about whom there is doubt as to whether they are truly inspired by the divine grace to embrace this most holy way of life. Those, however, whom, after careful consideration, they admit into the ranks of novices, let them diligently strive to ensure that they reflect the character of Saint Dominic, the Founder, and that they constantly maintain it; and above all, let them show humility of mind and shine with the virtue of obedience, without seeking any reason for disobedience, and without delaying or hesitating in carrying out any order. For it is often seen that some do not disgracefully abandon the cloister because they dared to enter the Order against the will of God, but rather because they lacked proper instruction during their novitiate, and because, upon completing their novitiate, they did not adopt

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the form of life that befits a man consecrated to God. The same prudence and diligence should be used in admitting and training novices as is used when dealing with Tertiaries, for great benefit is to be expected for the Catholic name if they precede others in example and promote all that is good and virtuous. Just as those patriarchs, Dominic and Francis, were divinely inspired to strengthen the Church through their joint efforts and studies, so too it is necessary that both families of Tertiaries, with united forces, strive to safeguard the integrity of the Apostolic See and the well-being of Christian society.

II. Let the superiors entrust only those with the task of teaching sacred doctrines, whom they know to be not only free from any suspicion of impropriety in their doctrine up to this day, but also to be of such a mind that they will follow it completely, both in explaining the Catholic truth and in refuting errors.

[*Latin ed. p. 389*]

Acta of Pope Pius X, 389, concerning norms and rules which the Apostolic See has prescribed in our time, or will prescribe in the future.

III. Books written by religious men shall not be published, either for the first time or subsequently, unless they have been approved beforehand by the Prelate of the Order, with the exception of those things which are established in the Constitutions of the Order, in the Apostolic Letters concerning offices and duties, and in subsequent decrees of the Apostolic See. In order that these matters may be carried out more safely, the Prelates themselves shall choose censors from among those members who are known to possess both an incorrupt doctrine and a sound understanding of things, and who are not influenced by any considerations; on the contrary, those who are suggested by the authors themselves should be avoided.

IV. Members who propose to write, in order to explain, develop, or discuss certain opinions and certain systems, which are currently in use and which those who hold them seem to approach the Catholic truth, or even believe that they illustrate and interpret it more fully and correctly than has been done by the wisdom of the ancients, should understand that such opinions are fraught with danger, because weak and easily influenced minds, eager for novelty, are easily led astray from the faith and from eternal salvation. Therefore, let the disciples of Saint Dominic and of the Angelic Doctor solemnly strive to defend the Catholic faith openly and courageously, and, with a kind estimation of people, to expose errors, stripping them of their false appearance.

V. The academic degrees of Rome were instituted and increased by privileges by the Roman Pontiffs with the most salutary intention, in order to publicly commend those who excelled in sacred disciplines; but the Apostolic See has not infrequently observed that religious men sought to obtain these degrees in order to secure advantages for themselves and to obtain

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exemptions from the duties of the choir and other communal offices. Let the Prelates be vigilant so that this corrupt custom does not arise or persist; for today, more than ever, it is fitting for religious men, as the serpent's war spreads more widely throughout the Church, that men of talent and ability should readily sacrifice honors and the comforts of life, and endure any labors, in order to dedicate themselves entirely to God and the Church. In this matter, let the Dominican members remember the prescriptions of our predecessor, Clement VIII: "They may be excused from the service of the choir with the readers and preachers, only on those days when they happen to read or preach."

VI. We have frequently received with great pleasure reports that members of the Order of Preachers are eager to devote themselves to the ministry of the word, which is the principal object of their institute. But we strongly urge them to receive and fulfill this most sacred duty with a holy spirit, preaching Jesus Christ, and Him crucified; otherwise, they will obtain only empty glory from men.

[*Latin ed. p. 390*]

390 Acta Apostolicae Sedis. - Official Commentary. And those who should prefer to acquire grace, they will be nourishing themselves, clouds without water, autumnal trees, unfruitful. Therefore, let them strive with all their might to accomplish that which the Apostle commanded his disciple Timothy with such diligence: "Carefully study to present thyself approved unto God, a workman that needeth not to be ashamed, rightly handling the word of truth." Thus, they will be a great comfort to us, and will wonderfully promote the salvation of men. VII. We decree that each member shall be assigned, not as in former times to a particular monastery, but rather to a Province, because this seems more suitable to the present condition of affairs, and because it greatly contributes to the perfect observance of a common life, and because it facilitates the equitable distribution of revenues and resources among houses of novices, missions, and various monasteries which are in greater need. We therefore decree, by Our authority, that this custom of assigning members to a Province shall now have force and be considered a part of the Order's own Constitution, notwithstanding any contrary provisions. We believe, beloved Son, that these things, established for the benefit of Our care for the Dominican family, will be useful to communicate to the religious men who will be with you at the upcoming general chapter, as is their right. We are confident that all members of the Order will humbly obey and comply with Our instructions and directives; in this way, they will prove themselves worthy heirs of their lawgiver Father, whom the Apostolic See had as most observant. We entrust your labors and those of the same holy Patriarch to Tulle; and as a witness to the blessings of heaven and the paternal benevolence of Us, We impart, with paternal affection, the

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apostolic blessing to you, beloved Son, to the religious men who will be with you at the general chapter, and to the entire Order of Preachers. Given at Rome, near the blessed Peter, on the fourth day of the month of August, on the feast of St. Dominic, in the year 1913, in the tenth year of Our pontificate. PIUS P. X.

[*Latin ed. p. 391*]

Sacred Congregation of the Consistory. 391. SACRED CONGREGATION OF THE CONSISTORY. I. TRANSLATION OF THE CATHEDRAL CHURCH. By Decree of the Sacred Congregation of the Consistory, dated August 22, 1913, the dignity of the cathedral church of Oran, which was established in the church of Saint Louis, has been transferred to the new buildings dedicated to the Most Sacred Heart of Jesus. II. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Consistory, the Most Holy Pope Pius X has provided for the following churches, namely: July 4, 1913. — To the cathedral church of Münster, he appointed the Reverend John Poggenburg, canon of the same cathedral church of Münster, and titular vicar general of the vacant diocese. July 8. — To the cathedral church of Lodi, he appointed the Reverend Peter Zanolini, formerly Bishop of Fabriano and Matelica. — To the cathedral church of Chiapas, he appointed the Reverend Maximin Ruiz, canon penitentiary of the archdiocese of Mexico, of the Basilica of Guadalupe, located there. July 15. — To the cathedral church of Limburg, he appointed the Reverend Augustine Kilian, canon of the same cathedral church. July 18. — To the metropolitan church of Tarragona, he appointed the Reverend Anthony Lopez and Pelaez, formerly Bishop of Jaca. — To the metropolitan church of Burgos, he appointed the Reverend Joseph Cadena and Eleta, formerly Bishop of Vitoria. — To the cathedral church of Cordoba, he appointed the Reverend Raymond Guillamet and Coma, formerly Bishop of León. — To the cathedral church of León, he appointed the Reverend Joseph Alvarez Miranda, canon penitentiary of the cathedral church of Oviedo. — To the cathedral church of Segovia, he appointed the Reverend Aloysius Amigó and Ferrer, formerly titular Bishop of Tagaste and apostolic administrator of the diocese of Solsona.

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis. - Official Commentary. July 18, 1913. — To the Cathedral Church of Salamanca, the Reverend Julian de Diego and Garcia Alcolea, formerly Bishop of Astorga. — To the Cathedral Church of Astorga, the Reverend Anthony Senso Lázaro, canon of the Cathedral Church of Madrid. — To the Cathedral Church of Piacenza in Spain, the Reverend Emmanuel Torres et Torres, dean canon of the Metropolitan Church of Seville. — To the Cathedral Church of Badajoz, the Reverend Adolphus Pérez Muños, formerly Bishop of the Canary Islands. — To the

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Cathedral Church of the Canary Islands, the Reverend Angel Marquina Corrales, canon major of the Metropolitan Church of Burgos. — To the Cathedral Church of Oriola, the Reverend Raymond Plaza et Blanco, of the Diocese of Cuenca, auditor of the Sacred Tribunal of Madrid. — To the Cathedral Church of Vitoria, the Reverend Prudentius Melo et Alcalde, formerly titular Bishop of Olympus. July 28. — To the Cathedral Church of Nuceria Paganorum, the Reverend Joseph Hum Roméo, of the Archdiocese of Reggio, and there, parish priest of the place commonly called Catona. — To the Cathedral Church of Lacedonia, the Reverend Cosmas Agostino, of the Diocese of Hierac, and there, parish priest of the place commonly called Mammola. — To the Cathedral Church of Ceneda, the Reverend Rudolph Caroli, of the city of Rome, a chamberlain of the Holy See, rector of the College of Saints Charles and Ambrose of Rome, and official of the Sacred Congregation for Religious. August 1. — To the Cathedral Church of Saint Anne in Central America, the Reverend Roch Orellana, of the Archdiocese of San Salvador, and there, chancellor of the archiepiscopal curia. — To the Cathedral Church of Saint Michael in Central America, the Reverend John Anthony Dueñas, canon of the Metropolitan Church of San Salvador. — To the titular episcopal church of Mopsuestia, the Reverend James Vilanova, of the Archdiocese of San Salvador, and there, general vicar and canon of the metropolitan church, whom the Most Reverend Doctor Anthony Adolphus Perez y Aguilar, Archbishop of San Salvador, appointed as his auxiliary. August 2. — To the titular archiepiscopal church of Apamea Cibotus, the Reverend Doctor Renato Francis Renou, formerly Archbishop of Tours. August 5. — To the Metropolitan Church of Tours, the Reverend Doctor Albert Nègre, formerly Bishop of Tulle. August 6. — To the Cathedral Church of Tulle, the Reverend Joseph Métreau, formerly titular Bishop of Therm.

[*Latin ed. p. 393*]

Sacred Congregation of the Consistory. 393, August 6, 1913. — To the Cathedral Church of Superior: Reverend Joseph Mary Koudelka, until now titular Bishop of Germanicopolitan. — To the Cathedral Church of Joliette: Reverend William Forbes, pastor of the Church of Saint John the Baptist in the city of Marianopolitan. — To the Cathedral Church of Mont-Laurier, in the Canadian territory: Reverend Francis Xavier Brunet, chancellor and secretary of the Archbishop of Ottaviensis. August 19. — To the Cathedral Church of Notre-Dame: Reverend Joseph Vizzini, of the diocese of Caltanissetta, Master of Sacred Theology in the schools of the Pontifical Seminary of Rome, and official of the Sacred Congregation of the Consistory.

DECREE CONCERNING THE MUTUAL RELATIONS OF THE EASTERN RITE WITH THE CATHOLIC RITE IN CANADA, REGARDING THE DISCIPLINE BETWEEN THE LATIN CANADIAN BISHOPS AND THE RUTHENIAN BISHOP, AND HIS CLERGY AND FAITHFUL, AS WELL

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AS BETWEEN THE RITES.

To the faithful of the Ruthenian Rite residing in the Canadian region, a Bishop of the same Rite has been appointed, who possesses ordinary authority to govern and direct them.

In order that, due to differences in rite and discipline, no dissensions may arise between the faithful of the Ruthenian and Latin rites, the Sacred Congregation, entrusted with the propagation of the Christian name for the affairs of the Eastern Rites, after full and mature deliberation in its plenary sessions on the 11th of this month, has decided that the following regulations shall be established for a period of ten years, in order to establish mutual relations between the Bishop, priests, and people of the Ruthenian Rite with the Bishop, priests, and people of the Latin Rite in that region.

CHAPTER I: Concerning the Bishop of the Ruthenian Rite.

Article 1. The appointment of the Bishop of the Ruthenian Rite for the Canadian region is reserved solely and entirely to the Apostolic See.

Article 2. The Bishop of the Ruthenian Rite is under the immediate jurisdiction and authority of this Apostolic See. He possesses full jurisdiction.

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis. - Official Commentary. The aforementioned Prelate exercises pastoral and personal authority over all the faithful of the Ruthenian rite residing in the Canadian region, being subject only to the Apostolic Delegate for the time being. Article 3. The aforementioned Prelate possesses the right and power to govern his flock, and to establish laws and statutes in matters that do not contradict common law. Furthermore, it will be his duty to ensure that both doctrine and good morals, as well as the rites and discipline of the Catholic Eastern Church, are faithfully maintained. Article 4. The Bishop is obliged to frequently and regularly visit the Ruthenian missions, so that he may intimately know the flock entrusted to him, and provide more effectively for all that pertains to its spiritual well-being. To facilitate this, it will be useful to divide the entire territory of Canada into regions, as he judges best in the Lord, and to visit each region successively, so that at least every five years all the Ruthenian missions are subject to the Bishop's visitation. Article 5. During the visitation, the accounts of each mission rector will be examined, and care will be taken to ensure that the rector does not retain the assets of the mission in his own name and by his own right, for which the faithful have contributed assistance in any way. In order that the security of the temporal goods of the churches may be carefully considered, it will be incumbent upon him, after consulting the advice of experienced men in the matters under consideration, to employ the appropriate forms of title of possession, and to observe all prescriptions that are in accordance with the civil laws of

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the respective places, and that promote the administration, preservation, and safe transmission of ecclesiastical goods. Article 6. If any controversies arise between the Bishop of the Ruthenian rite and the Bishops of the Latin rite in Canada, they shall be referred for resolution solely to the Apostolic Delegate of the Canadian region, with the reservation, however, of the right of appeal to the Apostolic See. Article 7. The ordinary residence of the Bishop of the Ruthenian rite will be in the city of Winnipeg. Article 8. In order to establish an annual stipend for the support of the Bishop, until stable revenues are obtained, each Ruthenian community must contribute, paying him, as if to a cathedral, a certain and moderate annual contribution, to be determined by him according to equity. Article 9. The Bishop shall, every five years, present a full and accurate report to the Apostolic Delegate on the personal, moral, and material state of the missions of his own rite, which the Delegate will transmit to the Sacred Congregation for the Propagation of the Faith for matters concerning the Eastern Rite; and, following the custom among the Bishops of the Canadian region, he shall, at least every ten years, proceed to the sacred thresholds of the Apostles, to render obedience and submission.

[*Latin ed. p. 395*]

Sacred Congregation of the Propagation of the Faith, 395, shall render obedience to the Supreme Pontiff, and shall give an account to him of the implementation of the pastoral ministry, and of all matters pertaining to the condition of its church, the morals and discipline of the clergy and people, and the salvation of the souls entrusted to it.

CHAPTER II, Section on the Ruthenian Clergy. Article 10. Since there are not yet Ruthenian priests who have been born or, at the very least, educated in the Canadian region, the Ruthenian Bishop, after prior consultation with the Apostolic Delegate, shall diligently strive to establish, as soon as possible, a seminary for the education of Ruthenian clerics in Canada. In the meantime, Ruthenian clerics shall be admitted to Latin seminaries, with the consent of the Ordinary. But only those who have promised before the Bishop to perpetually observe celibacy shall be admitted to the seminary, either now or in the future; and only celibates shall be promoted to the sacred orders in the Canadian region.

Article 11. For the exercise of the sacred ministry among the Ruthenian faithful, priests shall not be admitted unless they are celibates, or at the very least, widowers without children, endowed with an upright life, zeal, and piety, sufficiently educated, not greedy for gain, and free from political factions.

Article 12. Before there is a sufficient number of Ruthenian priests who have been educated in the Canadian region, if a mission for the care of Ruthenian faithful arises, either through a vacancy or a newly established parish, the Ruthenian Bishop shall request a suitable celibate priest, or at

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the very least, a widower, from the Bishops of Galicia or Hungary, through the Sacred Congregation of the Propagation of the Faith for Oriental Affairs. Those priests, whether married, widowed, or celibate, who go there of their own accord, neither called by the Ruthenian Bishop nor sent by the Sacred Congregation, the Ruthenian Bishop shall not be able to grant them any faculties, whether for celebrating the Sacred Liturgy, administering the sacraments, or performing any ecclesiastical duties whatsoever.

Article 13. The aforementioned Sacred Congregation shall send with the priest being sent from Europe a document by which he is granted the faculty to assume the spiritual care of the Ruthenian faithful under the authority of the Ruthenian Ordinary of Canada.

Article 14. Any Ruthenian priest coming from Europe and residing in the Canadian region for the spiritual care of the Ruthenian faithful shall always remain incardinated in the diocese of his origin; nevertheless, the Ruthenian Bishop of his origin shall not exercise his jurisdiction over him in any way, as long as...

[*Latin ed. p. 396*]

396 Acta Apostolicae Sedis. - Official Commentary. These individuals reside in Canada and are entirely and solely subject to the jurisdiction of the Ruthenian Bishop of Canada. Furthermore, these priests may not return to their homeland, nor may they be recalled, without the express written permission of the Canadian Ordinary. Article 15. Laymen of Ruthenian origin, regardless of their origin or domicile, who desire to receive the sacred orders in Canada, shall remain under the full jurisdiction of the Ruthenian Bishop of Canada, from whom they will receive a mission or stability oath to serve within the territory. Article 16. All pastors of Ruthenian missions within the dominion of Canada are removable at the will of the Ruthenian Ordinary. However, they cannot be removed without grave and just causes. Article 17. However, a priest who has been removed shall have the right to appeal the decree of removal to the tribunal of the Apostolic Delegate, who shall, within three months from the date of the appeal, examine the case, always reserving the right of appeal to the Holy See. Article 18. The Bishop shall provide for the sustenance of the priest, assigning him a salary to be taken from the total revenue of the church. Article 19. The rights and emoluments of the sacred ministry in each mission shall be determined by the Ruthenian Ordinary, according to the approved customs of the various places. However, it is strictly forbidden to extend these rights beyond the established tax, or to demand more than the determined amount. Furthermore, Ruthenian priests must be careful not to demand these rights from the truly poor; and it is strictly forbidden to extort them under the threat of delaying baptism or the blessing of marriage, or to exclude anyone incapable of paying from any sacred function. Article 20. Latin rite priests who have obtained permission from the Holy Congregation for the Propagation

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of the Faith to pass to the Ruthenian rite to assist the Ruthenian Bishop in the spiritual care of the Ruthenian faithful, shall remain, as long as they are in the Ruthenian rite, entirely and solely under the jurisdiction of the Ruthenian Bishop. However, the Holy Congregation strongly urges the Latin Bishops of Canada to generously grant several priests to the Ruthenian Bishop for a time, if requested by him. Article 21. If there are religious priests who have passed to the Ruthenian rite, they shall be subject to their own religious superiors with regard to matters pertaining to their religious life; but with regard to the care of souls and the Ruthenian rite, they shall be subject to the Ruthenian Bishop.

[*Latin ed. p. 397*]

Sacred Congregation of the Propagation of the Faith. Article 22. A Ruthenian Bishop shall exercise his jurisdiction only over the Ruthenian clergy and people within his jurisdiction; however, if there are Ruthenian faithful in any place, and a Ruthenian mission has not yet been established there, or if there is no priest of that rite present, then he may, with the knowledge of the Ordinary, extend his jurisdiction to those Ruthenian faithful through a Latin priest of that place. Article 23. Furthermore, Canadian Latin Bishops, with the knowledge of the Ruthenian Bishop, may grant jurisdiction to those Ruthenian priests in places where Latin rite faithful are present and are subject to them, but where there is no Latin priest present who can care for them. CHAPTER III. Concerning Ruthenian Faithful. Article 24. Ruthenian faithful, in places where there is no church or priest of their own rite, may conform to the Latin rite; and this same permission is granted to them even where, because of the distance from their church, they cannot attend it except with great inconvenience, provided that this does not lead to a change of rite. Article 25. To Ruthenian laypersons who have established a true and stable domicile in the Canadian region, it cannot be granted, except by the Sacred Congregation of the Propagation of the Faith for Oriental Affairs, for grave and just reasons known to the aforementioned Sacred Congregation, after hearing the Ruthenian Bishop of Canada. Article 26. However, if it should happen that these individuals return to their homeland, then, even if they have received the Latin rite by papal decree, it will be permissible for them, upon petition to the Apostolic See, to return to their original Ruthenian rite. Article 27. It is not permitted to Latin missionaries, under penalties determined by the Apostolic See, to induce any Ruthenian to embrace the Latin rite. Article 28. Ruthenian faithful, even in places where there is a Ruthenian rite priest present, may confess their sins to a Latin priest approved by the Ordinary of that place, and may validly and licitly receive the benefit of sacramental absolution. Conversely, Latin faithful may confess their sins to a Ruthenian priest approved by his Bishop, in places where there is a Ruthenian mission or church. However, Ruthenian priests cannot absolve Latin rite faithful from censures and

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reserved cases in the Latin diocese in which they exercise their ministry, without the permission of the Latin Ordinary. Conversely, the same shall apply to Latin priests with regard to censures and reservations established by the Ruthenian Bishop.

[*Latin ed. p. 398*]

398. Acta Apostolicae Sedis. - Official Commentary. Article 29. To all the faithful, whatever their rite, is granted the faculty to receive the Sacrament of the Eucharist, whatever the rite by which it is celebrated; and moreover, when necessity arises and a priest of a different rite is not present, it is permissible for a Ruthenian priest to administer the Eucharist consecrated with leavened bread; and conversely, for a Latin priest to administer it with unleavened bread; but each priest shall observe his own rite in administering. Article 30. Each faithful person shall fulfill the precept of Paschal Communion by receiving it according to his own rite, and indeed from his own parish priest. Article 31. The Holy Viaticum for the dying shall be received according to the proper rite by the proper ministers of the parish priest; but, in urgent necessity, it is permissible to receive it from any priest; who, however, shall administer according to his own rite. Article 32. The celebration of funerals and the collection of emoluments in families of mixed rites pertain to the parish priest of the rite to which the deceased belonged. Article 33. In order to avoid grave inconveniences that might arise for the Ruthenians, they are granted the faculty to observe the feast days and fasts according to the custom of the places in which they live. However, on Sundays and feast days that fall on the same day in both rites, Ruthenians are obliged to attend the sacred liturgy in the church of their own rite, if one exists in the place. CHAPTER Concerning marriages between faithful of mixed rites. Article 34. Marriages between Ruthenian and Latin Catholics are not prohibited; but in order to avoid inconveniences that often arise from the difference of rites in families, the wife, during the marriage, may follow the rite of her husband, without thereby changing the rite of her children. Article 35. After the marriage is dissolved, the woman may resume her own rite of origin. Article 36. Both marriages between faithful of mixed rites, and marriages between Ruthenian faithful, must be contracted, observing the form prescribed in the decree *Ne temere*. Article 37. However, marriages of mixed rites shall be blessed in the rite of the husband, and by his own parish priest. Article 38. Dispensations for marriage, if any are to be granted or requested, shall be given and requested by the bishop of the bride. Article 39. Children born in the region of Canada from parents of different rites shall be baptized in the rite of the father; for the children must completely follow the rite of the father. Article 40. Baptism received in a foreign rite due to a grave necessity, namely, when

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the child was near death or was born in a place in

[*Latin ed. p. 399*]

The Most Holy Congregation of Propaganda Fide, number 399, states that when the parish priest proper of the father is not present at the time of the birth, the rite does not change. Article 41. Children belong to the jurisdiction of that parish priest, whose rite is that of their father. These matters were reviewed by our Most Holy Lord Pope Pius, of blessed memory, in an audience on August 13th of the year, upon the report of the undersigned Secretary of this Sacred Congregation, and were approved and confirmed, and the present decree was ordered to be issued, notwithstanding any objections to the contrary. Given in Rome, from the offices of this Holy Congregation, on August 18th of the year 1913. F. H. M. L. CARD. GOTTI, Prefect, s. Hieronymus Rolleri, Secretary. DECREE CONCERNING THE VIGILS TO BE OBSERVED BEFORE THE RELICS OF MARTYRS ON THE NIGHT BEFORE THE DEDICATION OF A CHURCH. The following question was proposed to the Congregation of Sacred Rites for a suitable solution: According to the Roman Pontifical, title concerning the dedication or consecration of a church, vigils are to be celebrated before the relics of the saints and martyrs which are to be included in the altar being consecrated; and Nocturns and Matins are to be sung in honor of these saints. The question is: Are the Nocturns and Matins to be taken from the new Psalter of the Roman Breviary arranged for the days of the week; or from the Common of most martyrs? And by what rite are they to be sung? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, considered that the following should be the answer to the question: "In the case of vigils, the Nocturns and Matins are to be sung with the Matins of three nights and the Lauds of the Common of..."

[*Latin ed. p. 400*]

400 Acta Apostolicae Sedis. - Official Commentary. "In commemoration of the many martyrs, under a double rite, with the Prayer of the Three Orders, "Deus qui nos, omisso verbo annua, et nominibus reticitis, iuxta decretum," November 28, 1886, Genomanen, June 14, 1845." And thus it was written and declared. On August 18, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Petrus La Fontaine, Bishop of Charyst, Secretary. SACRA ROMANA ROTA FLORENTINA. REGARDING PAROCHIAL BOUNDARIES. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, the Most Reverend Fathers Michael Lega, Dean of Ponens, William Sebastiani, and Joseph Alberti, Auditors of Tournon, in the Florentine case concerning the Parochial Boundaries; between the parish of St. Donatus, represented by its legitimate legal representative, advocate Vincent Sacconi, on one side; and the parish of St. Nicholas, represented by its legit-

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imate legal representative, advocate Nazareno Patrizi, on the other side, on May 5, 1913, presented the following final judgment. In the territory of Calenzano, within the Florentine archdiocese, there are two parishes among many others; one under the invocation of St. Donatus, the mother church, far surpassing all other daughter churches in antiquity; the other called St. Nicholas, a daughter church of St. Donatus, which, over time, having been located in the town of Calenzano, has gained increasing importance. Therefore, in the year 1655, it was raised to the status of a priory in title and honor, and in the year 1799, to a rectory in rights, and was thus separated from the ancient parish of St. Donatus, while two other daughter churches remained with the ancient rectory of St. Donatus. The boundaries of these two rectory churches, namely St. Donatus and St. Nicholas, touch at no point; and from this arose the present controversy, initiated by a legal action, in which it is disputed whether the boundaries of St. Donatus, on the side facing south, are defined by the road called...

[*Latin ed. p. 401*]

St. Montana Mota. 401, according to Berti, or rather, as the parish priest of St. Nicholas contends against the parish priest of St. Donatus, the boundaries of this place end at the road called the Trevalle or Bertolinese road. Indeed, between these two roads, a certain portion of territory is situated which would belong to the church of St. Donatus, if the boundaries of that church extended, as the parish priest of that church contends, to the Berti road; conversely, the parish priest of St. Nicholas would achieve his intention if his parish were to extend to the north by the road called the Trevalle or Bertolinese. Until the year 1880, pastoral care could not be exercised in this disputed portion of territory, because, in that year, the first house was built; afterwards, other houses were constructed; however, the parish priests, who are now contending, could exercise real rights, or other rights attached to pastoral care, such as collecting tithes, in the same territory. Indeed, among the arguments by which the parish priest of St. Nicholas defends his claim to the disputed territory, he puts forward, above all, the fact, which he asserts is undoubtedly proven, that tithes were collected and exacted by him from the farmers cultivating these portions of land. When, however, inhabitants began to be present in the disputed territory in the year 1880, the parish priest of St. Nicholas exercised pastoral care over them, and listed them among the parishioners of St. Nicholas in the public records; then, the municipal authorities were informed, and there was no dispute until the year 1889, when the parish priest Becattini, who had been the parish priest of St. Donatus since the year 1880, brought a lawsuit before the Curia, claiming the aforementioned territory and the new houses recently built there. The local parish priest, Pizzodintonte, Paul Biagiotti, was ordered by the Curia to examine the matter in fact and in law, taking into account the arguments presented by both sides, and to write

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a report on the completed investigation. The parish priest of St. Nicholas primarily claims and asserts jurisdiction over the disputed houses, because in this part of the territory he has collected tithes for a long time; therefore, the parish priest Biagiotti examined several witnesses, twenty-six in number, after they had taken an oath, as he reports (and the parish priest Becattini does not deny this, but affirms it explicitly regarding some of the witnesses), questioning them about whether tithes had been paid to the parish priest of St. Nicholas, and also about the opinion prevalent among the people regarding the boundaries of each parish with respect to the disputed territory. The report was then presented to the Curia, and concluded in favor of the intention of the parish priest of St. Nicholas. Nevertheless, the matter remained unresolved until the year 1896, on August 30th, when a commission appointed to correct the parochial boundaries, relying primarily on the cadastral maps of 1821, decreed that the disputed estate should be assigned to the parish of St. Donatus. ACTA, vol. V, n. 14. — 30-8-913. 29

[*Latin ed. p. 402*]

402 Acta Apostolicae Sedis. - Official Commentary. This report was presented by the pastor of St. Nicholas, requesting that the cause be formally and legally determined in the first instance before the Florentine Tribunal, based primarily on a newly discovered document, namely, maps drawn in the years 1582-1586. The Florentine Tribunal issued a final judgment on January 9, 1909, favorable to the pastor of St. Nicholas, affirming that the newly presented document has a truly decisive effect. The pastor of St. Donatus appealed to the Holy Office, and the matter was already scheduled for hearing in Tournon on August 6, 1912, and the Most Reverend Lords ordered "that the attestations received regarding the payment of tithes be transmitted completely and in authentic form." The Tribunal was requested to "inquire into the nature and measure of the tithes and to report." The Tribunal, acting on these instructions, submitted the requested documents and, after examining the matter in law and in fact, concluded that it concerned "sacramental tithes on land" paid to the pastor of St. Nicholas. This is the current state of the action, awaiting a definitive judgment from the Lords, under the following question: In the disputed territory, as mentioned in the judgment of the Florentine Tribunal of January 9, 1909, to which parish does the parochial jurisdiction belong? Regarding the facts, the Lords further noted the following: 1) From the beginning of the dispute, both pastors invoke popular tradition, claiming that the boundaries have been disputed since time immemorial. Whether these discordances began and whether they were truly agitated with great animosity cannot be affirmed with certainty, because although there have been rivalries and competitions among the various peoples inhabiting the area of Cadenzano (and history undoubtedly proves this), it cannot be inferred

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that these were caused by parochial boundaries; especially since the disputed territory has remained almost uninhabited until recent times. Therefore, other causes of rivalry, perhaps of more recent origin, have also been added to the dispute over the boundaries. This could easily have arisen after the parish of St. Nicholas acquired plebiscitary rights in the year 1799, and its mother church gained a greater authority over its parish, since the parish was part of the town and municipality of Calenzano. 2) The deep discord that exists today is evidenced by the testimonies received from the pastor, Biagiotti, regarding the payment of tithes: all the inhabitants of the parish of St. Donatus support the intentions of their pastor; while all from St. Nicholas contradict them. However, there are many more witnesses from the parish of St. Nicholas. Since witnesses are not to be counted, but weighed, we will discuss them in their proper place. Meanwhile, a stronger tradition, or popular opinion, favoring the parish of St. Nicholas, is evident from the testimony given by the Reverend Dominic Paci, prior of the place of Travalle.

[*Latin ed. p. 403*]

The Roman Rota. 403. Nor can it be said that, with a parishioner present who states: "I have always heard and believed that the dividing line is the road that goes directly to the coast (via Travalle), and it is also the most convenient, because otherwise, the parish priest of Calenzano, in order to reach his houses, which are on the other side of the coast, would either have to pass constantly through the bridge of Valle or through the midst of the people of S. Donato; - that the pharmacist Piattoli told me one day that before he built his house on the land now in dispute, the people of S. Donato asked him to build it sooner on the other side, so that it would be of S. Donato and not of Calenzano; - that even the municipality of Calenzano, although there were the undersecretary and four or five councilors of S. Donato present, as soon as the first house was built, marked it as belonging to Calenzano," with no one contradicting at that time. 3) However, due to the rivalry that has long existed between the two parishes, the historical value (and the legal value, which will be discussed later) of the map drawn up in the year 1821 is greatly diminished, because it is quite possible that, through the influence and persuasion of a certain more powerful inhabitant of S. Donato, the disputed territory was included within the boundaries of S. Donato. These circumstances of the case must be considered in this matter, as shown in decision 286, no. 4, part VIII, and in decision 101, no. 10, part VIII, among the Recent decisions, where the rule is stated that a map or plan printed before the commencement of the dispute, at a time when there was no suspicion, should be taken into account. Indeed, these maps, described with geometric measurements, tend to ensure that properties, with due regard to proportion, are subject to the payment of public taxes; therefore, it is in no way relevant to indicate or describe the parochial

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boundaries in them. Therefore, it is not surprising that this error could have been discovered to the detriment of another people, who, although vigilant, could easily have been deceived, because these tax registers were intended for a different purpose. Furthermore, this document, which proves little or nothing in relation to our case, is nevertheless worthy of note, because it is certain that the tithes for the disputed territory were subsequently paid, as before, to the parish priest of S. Nicholas, even with the intervention of a judge, in the year 1815, as the parish priest of S. Nicholas himself states. However, it will be stated later that the payment of tithes is a fact sufficiently proven and conclusive in value... Biagiotti discusses extensively in his report dated 1892 the errors concerning the parochial boundaries that are included in the aforementioned tables, and among other things, he notes: "For the sake of truth and justice, I must add that, in addition to the aforementioned cadastral error that occurs in a house located along the road that goes from Pizzo di Monte to Travalle, there are also the following. Along the Pratese road, the cadastre assigns to the parish of Pizzo di Monte a very long and extensive area of land covered by the houses of 19 pigionari, four farmers, and two villas, while ecclesiastically..."

[*Latin ed. p. 404*]

404 Acta Apostolicae Sedis. - Official Commentary. "That area of land has always belonged, as is evident from the records of souls from the past century, to the parish of Gonfranco. On the contrary, a portion of land, formerly covered by the dwelling of a colonist, and registered in the civil registry to the parish of Capelle, has always been and still is under the parish of Pizzo di Monte."

4) Conversely, the topographical maps described in the years 1582-1586 refer to a time when disputes about boundaries could not have arisen, because the church of St. Nicholas was still a dependent church, and possessed no greater dignity or authority than that of St. Donatus, a dignity and authority which it later gradually acquired, as narrated in the specific case, and as learnedly demonstrated by Professor Carrocci. Therefore, any consideration of territorial boundaries should be excluded from these descriptions. Furthermore, these maps were entirely based on the division of the people, or parishes; the description aimed to directly impose upon each people or parish the responsibility of maintaining the roads located within their territory. Nevertheless, the esteemed Professor Carrocci has shown that these maps have very little historical value, and this was willingly admitted by those who produced them, because the description of the places is in every way crude and indeterminate, being made from observation. However, in our case, because the roads are described with marked properties, intersections, or boundaries, and with annotations that allow the aforementioned road called Travalle to be clearly distinguished from the road called del Berti (and this is admitted and recognized today by the

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parish priest of St. Donatus), these figures can be useful for our question, since the disputed territory lies between the two aforementioned roads. To which parish it belongs, we will explain below.

5) Regarding this very territory, the difficulty in resolving the question is increased by the different names that have been attributed to the disputed territory in ancient documents, because, as the Florentine judgment points out, "from various contracts and the common way of speaking... the name of Massa or of Pozzo alla Massa... is applied to the entire disputed area along the Barbarinese road." The place now in dispute, formerly called Pozzo alla Massa, is admitted and confirmed by the expert Florentine architect appointed by the parish of St. Donatus. Thus, among the witnesses who assert that the tithes were paid to the parish of St. Nicholas, Peter Papi states that he himself received "tithes from the area called Pozzo alla Massa," that is, from the disputed territory. The same is asserted by Joseph Berti. However, the parish priest of St. Donatus produces a report from a popular assembly held in the year 1847, which states that the place was located at Pozzo alla Massa, or, as he contends, in the territory of St. Donatus. This document does not resolve the matter, because there is an ambiguity in the designation of the place. But otherwise, this document is subject to exceptions, because it is not produced in its original form.

[*Latin ed. p. 405*]

The Roman Rota. 405, is not found in the authentic collection; therefore, it cannot be considered in the assessment of legal evidence. Regarding the law, or the value of evidence presented from various sources, the Lords have determined that it is necessary to ascertain who is the plaintiff, who is the defendant, or who is the possessor with the rights of a possessor in the judgment, and that the burden of proof is transferred to the other, so that "if the plaintiff does not prove, the defendant, even if he has not presented anything, will prevail": argument, chapter 3, at the end of the title on causes of possession, Decretal of Gregory IX. This principle is better defined by Rule 63 of the Institutes, or: "in equal causes, the condition of the possessor is better." Therefore, as Reiff comments in the title on subsequent causes, number 44, if the parties in dispute present, from various sources, insufficient evidence to prove the intention of one party or the other, the matter is doubtful, and in an equal case, the one who possesses will prevail; because he has a title and possession, which the adversary lacks. The condition of the possessor is not changed in different instances, as the advocate for the parish of St. Donatus argues, because the appellant retains the same person in the subsequent instance, as De Luca teaches in the book on judgments, discourse 3, number 54. Indeed, the status of possession does not change in different instances, because, while the dispute is pending, nothing should be changed; therefore, the parish priest of St. Nicholas, who appeals against the decree of 1896, continues to be the defendant in the judgment, or the

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possessor. In our case, the title of possession seems to be completely undeniable to the parish priest of St. Nicholas, since he has peacefully and without any controversy exercised the care of souls in the disputed house for almost nine years, so that the Curia, even after issuing the decree in 1896 by which the aforementioned house was assigned to the parish priest of St. Donatus, nevertheless maintained the opposing parish priest in his possession or quasi-possession, until the judicial dispute promoted by the same parish priest was resolved. Furthermore, although we admit that the argument derived from the collection of tithes may have some exceptions, since it is not completely proven, it is nonetheless sufficiently solid, so that, when combined with other evidence, it can be said to be abundantly sufficient to establish the status of possession in the exercise of parochial rights, in favor of the parish priest of St. Nicholas. How much such a status helps in resolving the most complex issues regarding parochial boundaries is shown by the magistrates in decisions before Goccino, reported among the Recent, part V, volume II. In decision 433, number 1, it is stated that the parish priest must be maintained in quasi-possession of parochial rights as long as the opponent does not successfully prove his claim. This quasi-possession can also be acquired through the exercise of...

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis. - Commentarium Officiale. Whether a boundary is peacefully established by one party or another (n. 2, cited decision) and in decision 446 in the same cause, Caven. Limitum parochialium, n. 1, it is confirmed, with the weight of many authorities and jurisprudence, that in favor of the possessor, when it is a question of proving parochial boundaries, even lighter proofs are sufficient: therefore, it is concluded: "it has indeed been said that it suffices... that the matter be doubtful, so that a judgment should be rendered in favor of the possessor: because 'the plaintiff is bound to fully and clearly prove his intention.'" The proofs presented by the parish priest of S. Donati were: 1) cadastral maps of a geometric nature dating from the year 1821; 2) several instruments of purchase and sale in which the disputed territory appears to be included and attributed to the parish of S. Donati; 3) a report by the expert Grassi, drawn up in the year 1809. We have already noted that the report of the parish priest Bartolini cannot be included among the legal proofs. The following principles have been established in the forum and in our Order regarding cadastral maps: a map made after a dispute has arisen, or after controversies have already been raised, is to be regarded with suspicion and has little value, decisions 185, n. 10 ssq., part VIII; on the other hand, it fully enjoys its authority when it has been made judicially, with the parties cited and the necessary formalities observed: thus, decision 69, n. 18, part XVIII, title I, among the Recent decisions. There, the matter concerns a private map; here, it concerns a public map, in decisions cited 185, part VIII,

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and it is affirmed: "If this [map] was printed long before the dispute arose, and even more so if it was approved by witnesses duly examined, it will serve as an aid in proving the boundary." De Luca, De iudic, in discussion 25, more clearly states the same rules for maps, whether public or private, which are accepted in the forum and in the schools. He states that judicial authority is granted only to maps that have been prepared with the parties cited and heard, and with witnesses present. Regarding public maps, he says: "But when it is a question of another type of geographical maps, which are not intended for particular acts, but for general purposes, for the public utility or benefit, and which have been prepared by professors of geometry and are printed in volumes or on sheets, then it seems that it is permissible to give them weight; however, this rule must not be followed simply, but one must proceed carefully and prudently, since daily deceptions are revealed in them, especially when the dispute is about a place that is on the borders or boundaries of several kingdoms or provinces, etc." Regarding geometric maps, De Luca, loc. cit., says the same: "But if it is alleged that proof of the extent is to be derived from a measurement that results from the same map, containing a geometric scale with which geometry professors claim to know the distances, or if the geometers themselves add lines in their tables (as they are accustomed to do), indicating that what is within the line is within the district or province, and conversely what is outside, then it is not to be given weight, when..."

[*Latin ed. p. 407*]

St. Boncma Bota. 407 "This must be considered primarily, because this does not depend on their skill or 'expertise,' etc." Indeed, in our case, we are dealing with cadastral geometric maps, prepared by public authority, on which the properties are described and subject to taxes, and accurate information about these is available to those who are interested; but since the geometers had a public function of measuring territories geometrically, and not of delineating the boundaries of parishes, they are considered to proceed from private initiative, and therefore, depending on the circumstances, they may deserve either no credit or only a small amount of credit. Secondly, regarding the proof derived from certain contracts where the disputed territory is assigned to the parish of St. Donatus, and this proof was carefully explained in his observations by the Reverend Joseph Salvadori, it should be noted that such deductions are subject to a certain exception, which completely undermines and nullifies their probative force. For it is customary for a property to be said to be located in the place where the house is situated from which its name is derived, even if a part of the land extends within the boundaries of another parish. Furthermore, because the denominations and descriptions were too summary, common, and arbitrary, and thus detrimental to the treasury, the priest himself mentions

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corrections made to such descriptions by decree, Arroto, the syndics of Scala (Gonfaloniere) in the year 1535. And the matter is related as follows: "The other objection that could be raised is to oppose to the passages of the properties of St. Donatus the 'arroto' (survey) no. 69 of 1739: - 'Quarter of St. Spirito, Gonfaloniere Scala, which claims to correct all the passages that this property has made since 1641, and says that when it was surveyed, it should have been surveyed as follows: Two pieces of land of approximately 23 'staia' (a unit of measure) in the territory of St. Nicholas in Calenzano, in the place called 'The Well of the Masses' (or, truly, the disputed part of the territory), bordered, etc.'" This name is very appropriate for confirming the previous observation, namely that the place called 'The Well of the Masses' frequently appears in documents and testimonies, and truly includes a portion of the disputed territory. The priest Salvadori acknowledges that corrections made by a public official completely invalidate the proof; but while the question must be referred to learned men from a historical perspective, legally speaking, these exceptions have the force of nullifying the produced proof. Finally, the report of the expert Grassi, drawn up on the occasion of the question that arose in 1809 concerning the house of Carretti, then recently built, must be examined, and it was questioned whether it belonged to the parish of St. Donatus, or rather to another St. Nicholas. The expert attributed the house of Carretti to the parish of St. Nicholas, arguing as follows: "The house built by Carretti is located next to the Bolognese (Barbarinese) road, where it joins the road that goes to..."

[*Latin ed. p. 408*]

408 Acta, Apostolicae Sedis. - Official Commentary. "Prato, which two roads have served and continue to serve as the boundary of the lands " of the two peoples in question, so that all that part of land " beyond these two roads, pertaining to St. Donatus, belongs to that " parish, and conversely, the lands located beyond these roads towards " the Castello di Caienzano, where the new house has been built, belong " to the people of St. Nicholas." The expert makes observations, looking at the territory from the Carretti house, and indicates two roads, the Bononiensis and the Pratensis, as parochial boundaries; from this, the procurator of the parish of St. Donatus concludes that the disputed territory, judged by the expert, belongs to the parish of St. Donatus, when in truth this territory is beyond (on the far side of) the Bononiensis road. - But this is not necessarily conclusive proof, because the Bononiensis road extends beyond the Carretti house and forms, with the Pratensis road, two angles, almost right angles; one angle, encompassing what lies to the north (beyond), pertains to the territory " pertaining to St. Donatus, belonging to " that parish "; while the other angle, the other of the two roads, contains the Carretti house, or " conversely, the lands located on this side " belong to the parish of St. Nicholas. This interpretation best agrees with what follows and is invoked

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by the opponent in his favor, namely: " The owners of properties " located under the new building pay all tithes to the church of " St. Nicholas, and this also happens for the lands located on the side " pertaining to the Carretti, etc." Furthermore, it could not be said, except improperly and falsely - the Lords observed - that the disputed property " pertains to, or looks towards, the Church of St. Donatus, or to the north, for these are located on slopes on this side of the Travalle road and look towards the church of St. Nicholas, or to the south. Therefore, it can be very probably asserted that these are indeed the properties in question. Therefore, this proof, to put it mildly, is ambiguous and does not sufficiently favor the intention of the parish of St. Donatus. From this, it can be concluded that this parish has not provided any proof demonstrating his petition. The Lords have presented opposing arguments which reduce to: 1) the collection of tithes, and 2) the topographical plans of the years 1582-86. Regarding tithes, the parish priest Biagiotti made an inquiry in 1892, as shown in the records presented in response to the Turni petition, as reported. The inquiry also concerns the opinion of the inhabitants of the disputed territory, with regard to the parochial boundaries. It was asked of the colonists, inhabitants of both parishes: whether tithes were paid, and what the parochial boundaries were; these are almost like witnesses brought in.

[*Latin ed. p. 409*]

The Roman Rota. It was determined by the Lords that, having been questioned by the inquiring priest, and having been sworn, these witnesses could not be called into doubt, because the same priest asserts in a report presented to the Curia in April of that same year that these witnesses had been legitimately sworn. Furthermore, the priest of S. Donati, in his letters of March 26, 1892, speaks of the attestations in such a way that it is permissible to believe that he had read them. This information, immediately obtained from the aforementioned priest regarding the excepted attestations, confers greater authority and credibility upon them, and the exception that he himself did not raise, but which today is raised by the procurator of the parish, namely, that the tithes could not have been demanded from the colonus Alexander Papi, because, according to an ordinance of the Most Serene Duke Leopold in the year 1783, the tithes were to be collected not by the priest, but by the officials (Camerlenghi) of the Municipality; such an exception has no basis in fact, since Becattini himself admits in the aforementioned letters: "He (Papi) collected the tithes from 'all the people' of Calenzano when he was a colonus, etc." And he only doubts that they were collected from the colonus Ciampi concerning the disputed portion of the property. The Lords first noted regarding the value of these attestations that they are certainly not judicial, because the parties cited and heard were not excepted, and other legal requirements were not observed. However, it is not therefore necessary to deny them all weight. Indeed, De Luca, De

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iudicio, book 32, number 1 and following, discussing this type of proof, notes that this species of attestations is: "given by witnesses for the future memory of the matter, or for information, before a public notary, or in the records of a judge, even when the witnesses are examined under oath, but without any party being cited and in a voluntary rather than a contentious jurisdiction," and concludes that "they do not constitute perfect and conclusive proof, since they are attestations rather than witnesses." But he does not fail to point out, there, number 6: "However, it is impossible to establish a certain and general rule on this matter, since everything truly depends on the particular circumstances of each case, and on the prudent judgment of the judge to be considered." Decision 204, number 11, part 9, Recent. Furthermore, the inquiring priest, appointed by the Curia, and suffragan of the parish of S. Donati, appeared to the Lords to be clearly worthy of such a mandate, and the priest of S. Donati raised no exception against him, although he knew that it was not favorable to his intentions. The persons questioned were simple and uneducated, and, for the most part, instructed in religious morals, and their assertions, especially those made under oath, deserve to be believed. Nevertheless, the parishioners of S. Nicolai contradict all the attestations of the parishioners of the other church. Therefore, it would seem that all the attestations should be considered as having no value.

[*Latin ed. p. 410*]

410 *Acta Apostolicae Sedis*, – Official Commentary. However, if the testimonies were weighed with due consideration, it appears that the testimonies favoring the parish of St. Nicholas are far more numerous and of greater weight. In this examination, the well-known rule of the forum must be kept in mind, namely, "more weight is given to two witnesses affirming, than to a thousand denying," because the one affirming something asserts that he knows or has knowledge of it, while the one denying merely says that he does not know. Reiff. *De fid. instrument.*, n. 298, and in decisions *Recent.* 272, n. 2, part. 2; 141, n. 7; 54, n. 13, part. 4, vol. 2; 294, n. 11, part. 5, vol. 1, etc. On the other hand, the witnesses Augustine Ciampi and his father, presented by the procurator of the parish of St. Donatus, testified: "I do not know anything. I have no recollection that they were paid." And Julius Fabi testified: "Regarding this matter, I cannot say anything." A positive, or at least not purely negative, testimony was given by Charles Ciampi, son or grandson of the Ciampi brothers, before a notary: "They have never paid tithes to any church, either by their family or by me." However, on the contrary, much earlier, before the parish priest Biagiotti, his sisters, Annunciata and Carola Ciampi, as it appears, or at least closely related to him, testified: "Yes, (the Ciampi) always paid two quarters, and the farmer of the parish priest came to collect them." Here is Alexander Papi, who testified: "Yes, for the collection called 'Rozzo' at Mass, I always went to collect

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it." Furthermore, the account of Peter Ciabatti, a nephew through a sister of the Ciampi brothers, states: "Mother (Annunciata Ciampi) even before this matter began, always said: 'In my house, tithes were paid to Calenzano, etc.'" Moreover, the aunt (Carola Ciampi) said at my house that when she went to her brothers, that is, the Ciampi, they wanted her to return to Pizzo dimonte to say something different from what she had testified, and that they wanted to make her mother appear demented, etc." Therefore, there is no reason to doubt that the testimonies given were given with a bias, but rather, the testimonies favoring the parish of St. Nicholas are far more affirmative and conclusive. For, in addition to those mentioned, Peter Ciampi, a nephew of the opposing party, himself confesses: "My father always said that the tithes from the land under the road were always paid to Calenzano." Rosa Bettarini testified: "I saw them pay (the Ciampi) when I was a girl, and I saw that the Ciampi paid the grain for the tithes to Francesco Papi, etc." Also, John Ronconi, and in fact, Charles Zacchini testify the same. These testimonies favor the parish of St. Nicholas, and although, by themselves, they do not constitute proof beyond all exception, they nevertheless far outweigh the exceptions and have probative force, or constitute a semi-complete proof, especially because of the external corroborations with which they are supported.

[*Latin ed. p. 411*]

St. Montana Mofa. 411. Since a book was presented which contains the tithes recorded from the year 1565 to the year 1692, and concerning these matters, the Florentine Curia, in a report dated January 9, 1913, requested by the Most Reverend Lords, stated: "In this 'tithe book,' a property, located at 'al Pozzo alle Masse' belonging to the Sommai family, is recorded twice under number 61, and once under number 60, with a tithe of half a *staio* and one *mina* of wheat, which appears to have been paid punctually until the year 1692. Furthermore, a property, located on the mountain of St. Donato... for the lands it possesses in Calenzano... is recorded twice under number 62, and once under number 61. Since the name of the disputed land is 'Pozzo alle Masse,' and two-thirds of this land belongs to the property of St. Donato, which has a farmhouse in the same village to this day, it is clear that the tithe paid to St. Nicholas for those lands from 1561 to 1691 is the same as that which in recent times was abolished." Moreover, because the parish priest Biagiotti testified that the tenants Liei and Pelagatto, who cultivate land in the disputed territory, never paid tithes, the parish priest Becattini and, today, the procurator of the parish of St. Donato, object to this, noting that this fact undermines the assertions of the opposing witnesses, because if these tenants did not pay, it may be inferred that others also did not pay. However, the parish priest Biagiotti pointed out a reason for the unpaid tithe, namely that these properties formerly belonged, or before the confiscation of property decreed by Napoleon, to

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the church of St. Donato; and that churches were not accustomed to tithe to churches. This reason, which is entirely sound, receives strong confirmation from the aforementioned report of the expert Grassi, dated 1809, who, arguing from the payment of tithes, notes: "This also applies to the lands located on the lower side, with the exception of some assets of the Archpriestry of St. Donato, which do not bear this burden, as ecclesiastical property." Therefore, the conclusion already stated is confirmed, namely that the disputed territory was also attributed by the expert Grassi to the parish of St. Nicholas. The Lords examined the testimonies collected by the parish priest Biagiotti, which favor the parish of St. Nicholas, and which refer to the public reputation or opinion among those people. These witnesses testify that they have always heard this, and have received it from their elders: therefore, they recount the public and existing opinion, stating: "I have always heard it said, and all the undersigned testify that they have always heard it said: 'My elders always said that 'Pozzo alle Masse' was the boundary.'" These and similar statements were made by the witnesses.

[*Latin ed. p. 412*]

The Acts of the Apostolic See. - Official Commentary. Mascard, De probatio, conclus., 394, n. 1 and following, is relevant to this matter. "The boundaries are proven by instruments... at first, one broadens the conclusion, even if such instruments, provided they are ancient, do not directly, but rather enunciatively and assertively, mention the boundaries... In the proof of a boundary, direct proof is not required, but it suffices with proof by circumstantial evidence." The Florentine Court, because it considered that a decisive argument was obtained from the topographic maps which we are about to examine, did not carefully examine the argument of tithes, and therefore the judgment was based on the assumption that this proof could have force "when their nature and the true title of their performance have been well established, while in the current state of the documents, both causes remain entirely indeterminate." Today, however, it cannot be questioned that these tithes were feudal-sacramental, based on what the Court has deduced, and the opposing party did not even raise an exception. Furthermore, it is presumed that feudal tithes are to be collected by the parish priest within whose territory the land is located, even if the farmers are parishioners of another church. De Luca, de decimis, sect. 32, no. 2; Reiff., de decimis, no. 94. The following must be considered as an axiom: from which necessary corollaries follow, namely: 1) if the question arises to which parish the lord of the land belongs, no absolutely conclusive proof can be obtained from the payment of these tithes, and the question must be resolved from another point of view. Conversely, 2) if the question is to which parish the land belongs from which the tithes are collected, then the payment of tithes always provides a probative argument, because the land from which the tithes are collected always belongs to the parish within

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whose boundaries the land itself is located. Before Boniface VIII, things were different, because the faithful were bound to pay tithes, even if they had land in a foreign parish (Cf. canons 18, 20, 32, title XXX, book III, decrees of Gregory IX). However, with the passage of time, as litigants increasingly insisted on the rule of protecting boundaries, Boniface VIII, in chapter II, title V, book II, and in canon 2, title XIII, book VI, decreed that real tithes are to be paid to the parish priest within whose church boundaries the land is located from which the tithes are demanded. An exception is made, namely, when a new parish is established within the boundaries of another: in such a case, it is sometimes stipulated that the tithes are paid, not to the new parish or filial parish, but to the mother church, in recognition of the mother church's status, or its ancient dominion, which is done by a privileged right, and this can also be granted in other cases.

[*Latin ed. p. 413*]

Saint Roman Boot. 413. However, in order that tithes constitute a probative argument and a decisive factor in a legal dispute, it is necessary that the discussion concern sacramental and real tithes, and not at all personal or Sunday tithes, even if these Sunday tithes are real. Furthermore, it must be considered whether the right to collect tithes pertains to the parish priest within whose boundaries the land is situated, by reason of prescription or a particular privilege; and in cases of doubt, it must always be presumed that ordinary and customary discipline holds that real tithes are always to be paid under the title of the sacrament, so to speak, and not under the title of Sunday, and prescription or privilege must always be demonstrated with appropriate and conclusive evidence. Indeed, in our case, the Lords stated that the discussion concerned real tithes, which were shown to have been paid to the parish priest of Saint Nicholas. The evidence derived from the topographical maps of the years 1582-1586 was considered by the Florentine judge to be decisive. However, the Lords considered that it should first be investigated from these maps whether the disputed territory belongs more to one parish than to another; then the question would arise as to whether the same credence should be given to them. The expert who, at the mandate of the parish priest Becattini, first examined these maps, considered them to be a truly "precious and eloquent" document, because they described the parishes with their boundaries, or roads and neighboring properties, as is evident to anyone examining these figures. The parish of Saint Donati is described as having its southern boundary along road A, as described in the notes: "The road marked A, which starts from the boundaries of Saint Nicholas, among the properties of the Sommai, with a width of 7... and ends in a river of the Marina, among the properties of Beccuti and Ginori, with a width of 6 and a length of 5.50." The parish of Saint Nicholas has its boundaries to the north along the same road, where the parish of Saint Donati ends to the south, but this road is only marked at

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its beginning and end, because, as we have already noted, the purpose was for the officials of the Republic to assign the roads to be maintained to the people to whom they belonged. Therefore, the boundary of Saint Nicholas to the south is not the road marked A, but a part of the territory marked with the letter Z on the map of Saint Donati, containing no houses. Then, a road is delineated with the letter A 1, as written in the notes: "The road marked A 1, which starts from the road marked Z, among the properties of the Sommai, with a width of 4 and a half... and ends at the river of the Marina, with a width of 5 and a length of 15." The Florentine expert, observing that if the road marked A on the map of Saint Donati were to be admitted as the road of Travalle, the cause of Saint Donati would have already ended, because it would have had its boundaries there, as the opposing parish priest contended, demonstrated that the road marked A on the map of Saint Donati is the road of the Berti, and that it is the same road marked with the letter A 1 on the map of Saint Nicholas. But...

[*Latin ed. p. 414*]

414 Acta Apostolicae Sedis. - Official Commentary. Such a conclusion is contrary to the evidence of the facts and the notes attached to the plan, since the width and length of the two roads are different; and their courses, taking into account the boundaries of the properties, correspond, respectively, to the present-day roads of Travalle, or delle Bertoline, and Via del Berti. Therefore, today, the pastor of S. Donati rejects as absurd the conclusion of the Florentine expert, and admits that the topographic description of the parish of S. Donati ends at Via Travalle, but he maintains the conclusion of Mr. Del Badia, namely that such plans "do not show" the measurements, the boundaries of the territory belonging to each parish, "having been made solely to ascertain the measurements of the roads, so that it could subsequently be verified whether they were narrowed, occupied, etc." However, this historical criticism does not invalidate the fact that the disputed territory is contained within the territory assigned "in the topographic plan" to the parish of S. Nicolai; but this criticism seeks to deny credence to such a description. Indeed, the observations made by historical experts are too general, and although I admit that these plans are not immune from errors, nevertheless, everyone sees how much light these descriptions, made, as we have said, at a time not subject to suspicion, shed on our dispute. Nevertheless, since jurisprudence is "knowledge of divine and human things, knowledge of what is just and unjust" (Ulp. 1. X de iust. et iur. Big.), we must take into account this historical criticism, and therefore admit the extended value of this argument. If this argument is joined to another derived from the collection of tithes, then a proof is formed which generates moral certainty in every way. Nor should we overlook the rules that govern such matters by the jurisprudence of the Most Holy Office: indeed, as is asserted in decision 286, n. 1, part VIII. Recent, where

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the matter concerns proving boundaries in ancient times, lighter proofs and conjectures are admitted, which, when joined together, give the judge moral persuasion. But if doubt persists, then a certain rule remains: the better condition is that of the possessor. But in our case, certain possession is established for the pastor of S. Nicolai, and therefore, although those proofs presented by him may be said to be weak, they far outweigh the force of the opposing arguments, and therefore, not only in a similar case, but in a far better case, one must rule in favor of the defendant, or the possessor. In no way can presumption, or the assistance of the law, be invoked in favor of S. Donati, because this is the mother church, and it is divided from the church.

[*Latin ed. p. 415*]

The Roman Rota. 415 Saint Nicholas; for presumption, or the assistance of the law, cannot in any way prevail over possession; as is affirmed in decision 456, part 18, volume % recent. Therefore, having considered all these things, invoking the name of Christ, We, the Auditors from Tournon, sitting for the tribunal and having only God before our eyes, declare, pronounce, and definitively judge, answering the proposed question: The parochial jurisdiction belongs to the parish priest of Saint Nicholas in the disputed territory, in this case. Furthermore, We decree that the judicial expenses be compensated between the parties. Thus We declare, commanding the Ordinaries of the place and the officials of the tribunals to whom this pertains, that they enforce this Our definitive judgment, and that they proceed against those who resist, according to the sacred canons, and especially canon 3, session XXV, Council of Trent, employing the executive and coercive means that may be more suitable and effective for the circumstances. Rome, in the seat of the sacred Roman Rota, on the 5th of May, 1913. M. Lega, Dean Presiding. William Sebastiani. Joseph Albert. From the Chancery, 4th of June, 1913. Rev. T. Tani, Notary. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. ANTI-PREPARATORY CONGREGATION. On the 26th of August, 1913, before the Most Reverend and Illustrious Cardinal Francesco di Paola Cassetta, Presiding over the Cause of Beatification and Canonization of the Venerable Servant of God, John Baptist of Burgundy, a professed priest of the Order of Friars Minor, the Anti-Preparatory Congregation of Sacred Rites was held, in which the Eminences Prelates Officials and the theological Consultors of the same discussed the heroism of the virtues exercised by the aforementioned Venerable Servant of God.

[*Latin ed. p. 416*]

416 *Acta, Apostolicae Sedis.* - *Commentarium Officiale.* SECRETARIATUS STATI. The Directorate of the *Annuale Pontificio* earnestly requests that the Most Reverend and Venerable Monsignors, Archbishops,

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Bishops, Abbots, Superiors of Religious Orders, Rectors of the Colleges of Urban, and all those who may have an interest, kindly send to this office (located at the Secretariat of State, Vatican) the news and corrections concerning their respective Dioceses and Institutes, to be included in the *Annuale Pontificio* for the coming year; in accordance with the Letters and instructions given by His Eminence, the Most Reverend Cardinal Merry del Val, Secretary of State of HIS HOLINESS, dated June 15, 1911 and 1912. APPOINTMENTS. By Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotary, with the same privileges as those who participate: August 2, 1913. — Monsignor Giuseppe Holder, vicar general of the diocese of Dunkeld and prelate of that cathedral chapter. Domestic Prelate of His Holiness: July 30, 1913. — Monsignor Augusto Maria Taggiasco, of Rome. HONORS. By Apostolic Briefs, the Holy Father has deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, Commander: August 3, 1913. — To Mr. Marcello de la Bignè de Villeneuve, of the archdiocese of Rennes. Knight of the Order of Saint Gregory the Great, civil class: August 3, 1913. — To Mr. Pietro Darey, residing in St. Petersburg. — To Mr. Paolo Lagier, director of the Bank of France in St. Petersburg. August 14. — To Mr. Giovanni Sutton, of the diocese of Lincoln. August 17. — To Mr. Angelo Petit le Brun, of the diocese of Versailles. Knight of the Order of Saint Gregory the Great, military class: August 12, 1913. — To Mr. Lorenzo Sympa, sanitary lieutenant of the Honorary Palace Guard Corps. Knight of the Order of Saint Sylvester the Pope: July 30, 1913. — To Mr. Giuseppe Pierre, of the diocese of Bourges. August 13. — To Mr. Carlo Kambo, of Rome.

[*Latin ed. p. 417*]

Year V. - Vol. V. September 27, 1913. No. 15. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. POPE PIUS X. APOSTOLIC LETTER. I. The society "For Constant Prayer for the Pope," founded in Barcelona, is erected into an Archconfraternity with the faculty of affiliating societies throughout the world. POPE PIUS X. For the perpetual memory of this matter. — It is of the greatest importance to Us that the people pray for Us; for in sustaining so many and such important affairs, and in faithfully fulfilling the apostolic office divinely entrusted to Us, We are greatly aided by the communion of prayers, and through the pious prayers of the faithful to the Most High, We acquire new divine strength. Therefore, We have learned with spiritual joy that the pious society commonly called "For Constant Prayer for the Pope" has been canonically established in Barcelona, bearing fruitful fruit for the purpose of praying without interruption for the preservation and triumph of the Roman Pontiff. Furthermore, the Bishop of Barcelona informs Us that the same society is flourishing in number and piety; that many, through the care of the society itself, perform the sacred functions with great spiritual benefit; that the

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members are encouraged to approach the Eucharistic table with exemplary frequency; and that many men from religious families have been admitted into the same society; and thus, day by day, through the work of this society, devotion and love for this Holy See of Peter are spreading throughout the people. And since similar societies wish to be established in other dioceses, the aforementioned Bishop of Barcelona adds that he earnestly desires that We would deem it fitting to elevate the same society to the dignity of an Archconfraternity, with the added faculty of affiliating societies to itself. We, therefore, in accordance with these requests...

[*Latin ed. p. 418*]

Acts of the Apostolic See. - Official Commentary 418, with pious benevolence, having heard the Most Reverend and Reverend Fathers, Cardinals of the Congregation, concerning the interpretation of the decrees of the Council of Trent, We, by Our Apostolic authority, and by the force of the present document, erect and establish, in perpetuity, the Society "for constant prayer for the Pope," founded in Barcelona, as mentioned above, into an Archiconfraternity, with the customary privileges. Furthermore, We grant to the moderator and officials, present and future, of the Archiconfraternity thus erected by Us, by Our Apostolic authority, the power to, while observing the aforementioned regulations of Our predecessor, Pope Clement VIII, and all other Apostolic constitutions and ordinances issued above, lawfully aggregate to themselves other societies of the same name and institution, canonically erected throughout the world, and to communicate to them all the indulgences granted to the same Archiconfraternity by the Apostolic See, which may be communicated with others. We decree that these present Letters shall always remain firm, valid, and efficacious, and shall have and obtain their full and complete effect, and We fully grant our support to the Archiconfraternity now and in the future; and it shall be rightly judged and determined that they are null and void if anyone, knowingly or unknowingly, should attempt to interfere with these matters by any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, near the blessed Peter, on this day, July, in the year 1902, in the tenth year of Our Pontificate. R. L. |$i S., CARD. MERRY DEL VAL, Secretary of State.

THE ARCHICONFRATERNITY OF SAINT CHRISTOPHER IN THE TOWN OF "SAINT-CHRISTOPHE LE JAJOLET" IN THE DIOCESE OF SÃ©ez, IS ENDOWED WITH INDULGENCES. PIUS PP. X, For the perpetual memory of the matter. — In the place commonly called St-Christophe le Jajolet, within the territory of the Diocese of SÃ©ez, there exists a pious confraternity in honor of Saint Christopher, the patron saint of those in danger, which was canonically established from the year 1869, and which, with God's favor, has spread so much that last year We

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ourselves deemed it worthy to raise it to the rank of Archiconfraternity, through similar Letters of Ours, sealed with the Fisherman's ring on February 8th, with the faculty of aggregating societies with the same name throughout the world. Now, however, with...

[*Latin ed. p. 419*]

Acta PP. X. 419 of the Most Reverend Chapter. The undersigned implore that, through your benevolence, We may grant certain indulgences to the members, both present and future, of the aforementioned Archiconfraternity and of the Societies rightly incorporated therein. We readily and gladly agree to these requests, which are conducive to the good and benefit of this fruitful association, as far as is pleasing to the Lord.

Therefore, having heard the Most Reverend Fathers, the Cardinals, Inquisitors General, and confident in the mercy of Almighty God and the authority of the Apostles Peter and Paul, We grant to all and each of the faithful who now or in the future enter into the aforementioned Archiconfraternity, or into any of the Societies rightly incorporated therein, a plenary indulgence on the first day of their enrollment, provided that they have received Holy Communion, truly contrite and having confessed their sins. We also grant a plenary indulgence to those who are now or will be enrolled in the aforementioned Archiconfraternity or in any of the incorporated Societies, at the hour of their death, if, having received the sacraments of penance and Holy Communion, or, if they are unable to receive them, having invoked the name of Jesus with their lips, if they can, or with their heart devoutly, and if they patiently accept death as the just recompense for sin, from the hand of the Lord.

Finally, We likewise grant to the same members, both present and future, who are enrolled in the primary Archiconfraternity or in the Societies rightly incorporated therein, a plenary indulgence for all their sins, if, on each year, on the feast of Saint Christopher, or on any seven consecutive days immediately following, as they may choose, having received the sacrament of penance and having partaken of the Eucharistic banquet, they visit the church or chapel of their Archiconfraternity or of the respective Society, if one exists in the places where they reside, or, if not, their own parish church, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of Holy Mother Church.

Furthermore, We grant to the same members, now and in the future, who are rightly enrolled in the aforementioned Archiconfraternity or in the incorporated Societies, that if, for four days each year, they offer prayers, as previously stated, in the church or chapel of their Society, or, if one is not found, in their own parish church, as determined by the Ordinary of the respective place, they shall be released from their penances, in the usual form of the Church, for seven years and forty days. However, whenever,

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according to the regulations of the Archiconfraternity, they perform some work of piety or charity, We shall remit from the number of their penances, in the usual form of the Church, one hundred days.

Finally, We grant to the same faithful, if...

[*Latin ed. p. 420*]

Acta Apostolicae Sedis. - Official Commentary. 420. Provided that, except for plenary indulgences granted in articulo mortis [at the point of death], all other plenary or partial indulgences and remissions of sins, the acts of religious life atone for the blemishes and penalties. Contrary opinions notwithstanding. This shall be valid for the present and for all future times. We decree that, with the same full faith as would be given to these present documents if they were exhibited or shown, the same faith shall be given to copies, or exemplars, even printed ones, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office. Given at Rome, near St. Peter, under the Fisherman's Ring, on the seventeenth of August, 1906, in the eleventh year of Our Pontificate. R. L. £g S. CARD. a MERRY D E L Secretis VAL. LETTERS. I. TO THE MOST REVEREND FATHER ANTONIUS MENDES BELLO, PATRIARCH OF LISBON, CONCERNING THE RECENT EVENTS IN THE CHURCH IN THE LUSITANIAN REPUBLIC. Venerable Brother, greetings and the apostolic blessing. — When the decree of the Lusitanian Republic concerning the separation of the State and the Church appeared, We did not delay in doing what the voice of Our apostolic office urged us to do; and We issued the encyclical letter "Iamdudum" to all the Bishops of the Catholic world, in which letter, along with other things, We condemned the damages that had already been inflicted upon the religion of Our beloved people, and especially that nefarious law which, as if to hinder the work of destruction and ruin of the Church, imposed such an obstacle. In this matter, We did not entirely despair, believing that those who then governed the Republic would soon change their course, and that, with wiser judgment, they would return from contempt and hatred to the ancient reverence and protection of the Catholic religion, which has generated both power and glory in ancient Lusitania. However, events have refuted this opinion: for, in a war waged against the Church and its ministers, and with such great and bitter contention...

[*Latin ed. p. 421*]

Acta PP. X, 421, state that it is the duty of Us, venerable Brother, to express through this letter, with great sorrow and indignation, the recent actions of the governors of this Republic. Firstly, it is most regrettable that you, who preside over the Churches of Lusitania, and you, above all others – the Bishops of Lusitania, whose virtue is renowned throughout these times, and who are rightly considered the leaders – despite being diligent in

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obeying the public authorities, as is due and required, have been violently summoned to court and forcibly removed from their seats, accused of a single crime, which you have been unable to refute, so that, violating the sacred duties, you might be judged to have violated the laws and statutes which We, as being harmful to the Religion, condemn. For the same reason, several distinguished men of the priesthood have been expelled, or even imprisoned; and to both, every request for just remission of punishment has been stubbornly denied, whereas the very President of the Republic, seemingly moved by a sense of justice, has openly declared that he desires it. Furthermore, the Church has been deprived of its possessions, which were held under the most sacred and legitimate names; and the actions of powerful men have proceeded to such an extent that they do not even allow the Church the freedom to correct the abuses of the faithful, thereby protecting, on the one hand, the divine worship, and, on the other, providing for the needs of the ministers of God, whom they see reduced to extreme poverty. To this are added matters no less deplorable: that to schismatic associations and the councils of laymen, in accordance with the laws, greater and indeed absolute authority is granted over the discipline of religious worship and the use of temples and sacred furnishings; that, as was threateningly announced, in some places the sacred buildings have already been closed by force, despite the strong opposition of the people; that in the sacred Seminaries, which are few and miserable, the civil power daily interferes with their governance; that in private homes, as well as in public places, no instruction in religion is permitted; and that the letters of this Apostolic See, which were recently intercepted, in which the Bishops and the rest of the clergy of Lusitania were instructed on how they should conduct themselves in a difficult matter, have been seized. Finally, an insult, most insolent in its attack on Our person and dignity, has recently occurred, when it happened that, in this very city, almost before Our eyes, a law condemned by Us was put into effect. We speak of the Institute of Saint Anthony, an ancient and noble institution of religious beneficence, which, with the sacred rights violated which every civilized people holds, and with the wills and testaments of the dead, We have seen converted into an institution of a different nature and name.

[*Latin ed. p. 422*]

422 Acta Apostolicae Sedis. - Official Commentary. This, venerable Brother, for the sake of the awareness of our apostolic office, as We have said, We cannot do otherwise than again denounce, with abhorrence and lamentation. We are indeed concerned and anxious for the sake of the Church of Lusitania, which perhaps has been subjected to very grave dangers; but We also grieve deeply, and grieve vehemently, for the sake of that nation and people, to whom, when all the necessary works of peace are required to improve their fortunes and their civil order, the destructive

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flames of domestic war are inflicted, and that, above all, within their own borders. For those who do not serve with impartial opinions and with the interests of all, all agree that there is no greater plague for peoples than internal conflicts and religious strife, since these most of all alienate the hearts of citizens from one another, and destroy and dissipate the forces of common good. However, Our grief is greatly alleviated by the fact that We know for certain that, by the provident will of God, all things are directed towards the salvation of the holy Church, and that divine help is never lacking to it in due season. We also find some consolation in the faith, obedience, and virtue of the Bishops, clergy, and Catholics of Lusitania, in their Vicar of Jesus Christ, of which We have already received many and admirable testimonies. We humbly beseech God that He may, after this tempest has been quelled, quickly restore serene days to Catholic Lusitania; and in the meantime, as a pledge of heavenly favors, and as a testament to Our supreme charity and benevolence, We impart to you, venerable Brother, to all your colleagues in the episcopate, and to the entire Portuguese people, Our most heartfelt apostolic blessing. Given at Rome, near St. Peter, on the first day of the month of March, in the tenth year of Our pontificate. PIUS P. X.

TO THE LORDS KINTZINGER, ERNEST, FEDERSPIL, PRESIDENTS, AND CÜNY, SECRETARY OF THE COUNCIL OR COMMISSION OF METZ, CONCERNED WITH THE CATHOLIC CONVENTION OF GERMANY, IN RESPONSE TO THE LETTERS OF OBEDIENCE FULL OF DEVOTION, MOST BLESSED FATHER, MOST REVERENTLY PRESENTED BY THEM.

Dear Sons, greetings and apostolic blessing. — We give you heartfelt thanks, dear Sons, for the solemn communication from the upcoming convention of Catholic men of Germany, which you have written to Us in your own name and in the name of all the others; which has greatly delighted Us! For it was already well known to Us how devoted you are to the divine Religion, and how much you cherish this Apostolic See.

[*Latin ed. p. 423*]

The Acts of the Holy Father, Pope Pius X, number 423, state that you are deeply concerned, and it is fitting that you express your intentions with a declaration that inspires both faith in Christ, the God, and obedience to the Vicar of Christ. Considering your love for the Mother Church, it is not surprising that, as secular celebrations are held throughout the world to commemorate the peace and freedom granted to the Church by Constantine, an enduring and fervent commemoration will be made in your assemblies. Indeed, this commemoration should not degenerate into a mere empty congratulation, but, by recalling thoughts from past times to the present, it should invigorate your zeal for working for the Church. Therefore, as befits every true Catholic, you are deeply grieved that the

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Supreme Pastor of your souls is still, in these circumstances, subject to limitations, and you intend to petition again and with great force that the Roman Pontiff be restored to the full enjoyment of his freedom, which is required by his supreme dignity and by the paternal authority he holds over the entire Catholic people. Furthermore, it is fitting that you devote your attention to freeing the Church from the bonds that restrain it. In this regard, it pleases us especially that you will strive to ensure that the freedom of religious congregations and orders to live and work is granted according to law for the benefit of the Christian people, and that the native and sacred rights of the Church in public schools are not violated. To wish to banish religion from where young minds, the children of the Church, are being formed is a kind of wickedness, inhumane and pernicious, against which we must constantly resist. And we see that you are prepared to defend religion not only in this matter, but in every way, and that you are concerned not only that the kingdom of Christ suffers no harm within the home, but also that it may be extended abroad through sacred missions, especially among the barbarians.

Moreover, the fact that this assembly will bring forth excellent fruits for the Catholic cause in Germany gives us good hope, due to the love of all of you for the Church, the wisdom and prudence of the most serious men, by whom you and all Catholics in Germany are guided, and also the zeal of the religious city that will be the seat of the assembly. Indeed, the piety and faith of these citizens are known to no one who remembers the Eucharistic Congress of Metz. We pray to God that He may grant you the wisdom to assist in the affairs of His Church, and that He may help you with the gifts of His grace; and as a witness to our paternal benevolence, we impart to you all, beloved sons, our apostolic blessing.

Given at Rome, near St. Peter's, on the twenty-fifth day of the month of July, in the tenth year of our pontificate.

PIUS PP. X.

[*Latin ed. p. 424*]

424 Acta Apostolicae Sedis. - Official Commentary. III. TO: CARDINAL CAROL DE HORNIG, FIFTH BISHOP OF THE VESZPRÉM DIOCESE, CELEBRATING THE TWENTIETH ANNIVERSARY OF HIS EPISCOPATE. Beloved Son, greetings and the apostolic blessing. — We have long observed that you never neglect any aspect of your office, and that you are so diligently engaged in your pastoral duties that you wonderfully care for the worship of God and the salvation of your people; therefore, we deemed it fitting to honor you with the dignity of the Roman purple. Indeed, our judgment of you has been confirmed by a report recently presented to Us concerning the state of the Veszprém diocese; and as we read it, we were

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filled with joy, and we offered praise and thanks to the most benign God, who has inspired you with such skill in acting and such zeal in giving. You present joyful and comforting things: namely, a clergy properly instructed in all kinds of doctrines; to the Christian people, abundant assistance for supernatural life; new parochial councils established according to the prescriptions of the sacred canons; many temples raised from the ground at your expense; and furthermore, a great sum of money invested in this, so that Christian institutions may flourish as much as possible. Considering these things, we see that we can congratulate you in no way more fittingly than by wishing that, for the full days of your episcopal office, which you have now faithfully served for twenty-five years, God may repay you with the greatest reward. As a pledge of this, and as a testament to our paternal benevolence, we impart to you, beloved Son, and to your clergy and people, the apostolic blessing. Given in Rome, at St. Peter's, on the first day of the month of August, in the tenth year of Our pontificate. PIUS PP. X. IV. TO: REVEREND FATHER D. MICHAEL VASQUEZ, MEMBER OF THE COMMITTEE FOR REGULATING STATUTES, RESPECTFULLY PRESENTED TO THE HOLY FATHER BY THE SOCIETY OF THE MOST BLESSED VIRGIN, GOVERNED BY THE TITLE OF LEGION OF LEÓN, XIII. Venerable Brother, greetings and the apostolic blessing. — Having learned of the difficulties faced by workers and the opportune assistance given to them in those circumstances by the illustrious citizen Melchior Concha y Toro, through the Society...

[*Latin ed. p. 425*]

The Acts of Pope Pius X, 425, establish what you administer. The laws and statutes by which this Society is governed were presented to us on previous days; from them, we clearly perceived the wise and charitable counsel with which this Society encompasses the cause of workers. Foremost among the reasons for commending it, it seemed prudent to us that the workers are assisted in such a way that they gradually learn to help themselves, and that while the buildings and other necessities are provided, assistance is not neglected which aims at the eternal good of their souls. We believe that this kind of provision is, as you well know, of great importance for Christian charity and for the Society to earn a good reputation. We gladly add the encouragement of our paternal exhortation, and we are confident that this institution will be so favored by your benevolence that it will continue to flourish with the same support. – In the meantime, we impart, through you, our apostolic blessing to the men whose work you assist, to the others who are counted among the members of the Society, and to all, as a witness of our divine favor and of our benevolence, our venerable brother. Given in Rome, at St. Peter's, on the first day of August, in the tenth year of our pontificate. PIUS PP. X. TO THE MOST REVEREND ARCHBISHOPS, ORDINARIANS, AND BISHOPS OF THE UNIVERSITY

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OF CATTOLICA, WHO ENJOY THE PATRONAGE OF LETTERS, FULL OF VENERATION AND RESPECT, THESE WORDS ARE PRESENTED FROM THE MOST BLESSED FATHER. Venerable brothers, greetings and the apostolic blessing. — We were not a little pleased by the most courteous letters which you, gathered together in Angers, according to your custom, sent to us on the first of July, for they brought us many reasons for joy, so that our constant cares might be somewhat relieved. For, as you write, the teachers of the Athenaeum of Angers diligently impart, and the students diligently receive, the pure and integral doctrine of the Catholic Church, which gives us great joy; and that, adhering with all their heart to our letters on the subject of *Pascendi*, they regard Modernism as if they were unaware of it, this pleases us so much that we cannot help but congratulate you heartily, and to publicly praise the teachers and students with the testimony of our praise; indeed, we wish to order you to inform them that they will be praised by the common Father of the faithful, even more than they are loved.

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis. - Official Commentary. But other things also occur, so that we may admire the diligence and keenness of your efforts. You have striven that the disciplines, which were begun to be taught from the time of Athenaeus, not only be maintained and flourish, but also be increased in number by the addition of new subjects, pertaining to rural affairs and the science of agriculture, and then to the laws and rights of commerce: and this, indeed, deserves great honor to you at this time, when we see that elsewhere, not new disciplines are being taught, but already established ones are being abolished. We cannot pass in silence, either, how many and what contributions have flowed into your dioceses from this illustrious center of learning and the arts. For from it have come forth, with Christian understanding and the finest instruction, teachers, by whom all your colleges and some of your seminaries for clerics are staffed; then, men of law, who diligently and piously conduct cases throughout the courts; and finally, many others, who bravely and with great zeal promote the Catholic faith among you. It has come to pass that the University of Andegavensis depends entirely on the efforts and effectiveness of its institutions, which are most useful in these regions, where the chief praise is that they have faithfully transmitted to the young the faith and the cultivation of piety, more firmly and intensely than others. But from the same letter, we learn that the revenues of so noble and so fruitful an institution are neither so great as to suffice, nor is enough money contributed, so that its perpetuity and its sustenance may be assured. It is, indeed, regrettable that the Catholics of Western Galliae cannot, however much they may wish, alleviate this distress, since they ought to come to the aid of so many others with their generosity. However, are the doctors of Andegavensis not to

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be admired? For they, lest they allow this arena of Christian wisdom to perish, have professed to teach so much, that it is scarcely credible, and, by a new example up to this day, they have readily pledged themselves as guarantors, and have not hesitated to provide the necessary funds. Therefore, since we are reminded by the consciousness of our Apostolic office to consider the stability of your Athenaeum in every way, lest, to the greatest detriment of religion, it should come to an extreme crisis, we wish to finally accomplish that which our predecessor, the blessed Pope Leo XIII, proposed to accomplish at a more opportune time, in letters addressed to the Archbishop of Rhedonensem, dated the 30th day of September, 1893. Therefore, heeding your repeated requests, and since necessity absolutely forbids delaying this matter any longer, we grant to you, the three dioceses of Britannia Minor, Venetensem, Corisopitensem, and Briocensem, that they be now so joined to you, that they shall be exempt from the burdens which they have hitherto borne for the Catholic Athenaeum of Parisiensi, and that, following the example of the Metropolitan of Rhedonensem, they shall contribute to you,

[*Latin ed. p. 427*]

To the University of Angers, that it may be sustained, we offer aid and our good will. In this matter, we especially desire to provide some assistance to the institution most dear to you, and to express our heartfelt gratitude to you and to all those who, for its sake, have spared no effort or expense. We do not doubt that, from this change of circumstances, the University of Paris may suffer some loss in the present time. But what can Catholics of France hope for? Therefore, we earnestly urge them to contribute so generously and liberally to the University of Paris, that it may not appear that any loss has befallen it. And if they do so, they will be pleasing to Us, and, moreover, will merit great things for the Church and for the common good. Finally, as a pledge of divine recompense and as a token of our paternal benevolence, we bestow upon you, venerable brothers, and upon your clergy and people, our most loving apostolic blessing.

Given at Rome, near the blessed Peter, on the fifteenth day of the month of August, in the eleventh year of Our pontificate, 1913, PIUS PP. X.

TO THE REVEREND FATHER DOM JULIUS MAURITIUM ABBET, BISHOP OF SEDUNENSEM, AND TO THE OTHER BISHOPS OF HELVETIA, CONCERNING THE FIFTETH ANNIVERSARY OF THE BEGINNING OF THEIR ANNUAL CONFERENCES, THE CONSTANTINIAN CELEBRATIONS, AND THE UNION WITH THE APOSTOLIC SEE.

Venerable brothers, greetings and our apostolic blessing.

It has recently come to Our knowledge that you have assembled in Sedunum for a solemn occasion, and we have received from you a letter which abundantly testifies to your piety and devotion towards Us. The

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very causes which prompted you to write seem to hold greater weight than any words could express. The assembly you have held is the fiftieth since your predecessors have been accustomed to meet annually in some place, in order to consider the welfare of the flock. And if, despite the many storms which have agitated your region during this time, a certain degree of tranquility and a tolerable condition of affairs have been achieved, you rightly attribute this to the Apostolic See, which has never failed to support you; but a great part is also due to your efforts and those of your predecessors.

[*Latin ed. p. 428*]

428 Acta Apostolicae Sedis. - Official Commentary. We attribute this to the novelty of your endeavors, which have greatly stirred up such gatherings. Therefore, enjoy this beneficial respite, which you have earned through your diligent labor; but we do not wish you to place too much confidence in this kind of relaxation, since, as you write, our adversaries do not cease to stir up envy against the Church, nor are the faithful, who are safe through great perils, free from danger, for whose care you diligently strive. - Furthermore, considering the circumstances, you proceed to commemorate the era of Constantine, during which, with the promulgation of the Edict of Milan, freedom was restored to the Church, a freedom which is widely disturbed today by those who govern public affairs. Indeed, having seized this most excellent opportunity, we have decreed a sacred Jubilee outside of the usual order, for which we give you great thanks; but we shall have even greater gratitude for you if you, with greater diligence, address the concerns of the Swiss, under your leadership, so that, having expiated their faults, they may kindle a more ardent flame of charity and continually offer humble prayers to the Author of all good things for the sake of the Church. Finally, in your last letter, you write that you have supplicated God for us with all your hearts, since we were recently afflicted by illness; we gratefully accept this act of your love, and know that we desire that all, in this matter, remain steadfast with us, so that, whenever the most benign God will grant us the use of His light and strength, we may diligently labor with you in promoting the Catholic faith among the Swiss. - Meanwhile, as a testament to the blessings of Heaven and the paternal benevolence of Our own heart, we impart to you, venerable brothers, and to your clergy and people, our apostolic blessing in the Lord. With all sincerity. Given at Rome, near the blessed Peter, in the year 1913, in the eleventh year of Our pontificate. PIUS PP. X. on the sixteenth day of the month of August.

[*Latin ed. p. 429*]

The Most Holy Congregation of the Holy Office. 429 THE MOST HOLY CONGREGATION OF THE HOLY OFFICE (SECTION D ON

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INDULGENCES). DECREE. UNIFORM INDULGENCES ARE GRANTED TO THE CROSSES WHICH ARE CALLED "MISSION CROSSES." In order that the memory and fruit of pious missions, which the heralds of the Word of God hold for the people, may endure, it has been widely accepted that any cross, whether in churches, or elsewhere, or even entirely outdoors, duly blessed, should be erected. The sign of the vivifying Redemption is indeed fitting for recalling the precepts of Religion, for suggesting the purposes of penance, and for raising up hope for the future. The ordinary authority of Bishops and the liberality of the Apostolic See have long since judged it right to enrich with Indulgences those who piously turn to these signs. Furthermore, it pleased the Most Holy Pope Pius X, after consultation with the Most Eminent Cardinals Inquisitors General, to adopt a uniform measure and to grant uniform Indulgences everywhere. Therefore, in an audience granted to the Most Reverend Prelate, the Assessor of the Holy Office, on Thursday, the fifth day of the month of August, in the year 1913, using his own Apostolic authority, the Most Blessed Father abolished all Indulgences previously attached to mission crosses, whether attached by himself or by his predecessors, whatever the manner in which this was done, or by any privilege, even a special and specific one, granted to persons or religious institutions, and deigned to grant the following new Indulgences, under the stated conditions: I. A plenary Indulgence, applicable also to the deceased: 1) on the day of the erection or blessing of the memorial cross itself; 2) on the anniversary of the same erection or blessing; 3) on the feast of the Finding of the Holy Cross (May 3rd); 4) on the feast of the Exaltation of the Holy Cross (September 14th), or on one of the seven days following, respectively. In order to obtain these Indulgences, it is necessary that the faithful receive Holy Communion, duly confessed, visit the aforementioned cross and a church or public oratory, and offer prayers according to the intention of the Supreme Pontiff. II. A partial Indulgence, of five years and forty days, also applicable, once a day, to those faithful who, with a contrite heart,

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis. - Official Commentary. At the very least, let those who are contrite salute the aforementioned Cross with some external sign of devotion, and let them recite the Our Father, the Hail Mary, and the Glory Be in memory of the Lord's Passion. Let the Cross be constructed of solid and decorative material; let it be affixed to a determined location, or firmly supported by a base; let it be blessed by a priest who has preached during the Holy Mission; and furthermore, for these things to be carried out, let there be the consent of the local Ordinary. This [edict] is valid forever, without any time limit, notwithstanding any contrary circumstances. M. CARD. RAMPOLLA. L. © S. f D. Archbishop of Seleucia, Prefect of the Sacred

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Congregation. ERECTION OF DIOCESES. Our Holy Father Pope Pius X, by successive decrees of the Sacred Congregation, erected the following new dioceses: April 21, 1913. – In the Canadian territory, the Diocese of Mont-Laurier, which is bounded to the east, west, and north by the same boundaries as the former Diocese of Ottawaâ□□Cornwall; to the south, it is bounded by the southern limits of the tracts, or commonly known cantons, named Wright, Northfield, Blake, Bigelow, Wells, Bidwell, Preston, Addington, Amherst, Arundel, Montcalm, and Howard. July 26, 1913. – In the Republic of Mexico, the Diocese of TacÃ¡mbaro, which consists of seven parishes of the Archdiocese of Mechoacana, commonly known as Tacámbaro, Ario, Caracuaro, Huetamo, Tiquicheo, Turicato, and Tuzantla; and also sixteen parishes of the Diocese of Zamora, named Aguililla, Acahualo, Apatzingan, L'Aquila, Arteaga, Goáhuayana, Goalcoman, Goyre, Chinicuila, Churumuco, Huacana, Nuero-Urecho, Paracuaro, Tepalcatepec, Tomatlam, and Tumbiscatio, with their respective boundaries, by which the aforementioned parishes are presently governed. August 25, 1913. – In Brazil, the Diocese of AraÃ§uaÃ, which to the south, to the east, and to the north has the same boundaries as the Diocese of Diamantina, which was dismembered; to the west, the boundaries are the municipalities commonly known as Theophilo Otto and Minas Novas, which have been assigned to the new diocese.

[*Latin ed. p. 431*]

Sacred Congregation of Religious. 431. SACRED CONGREGATION OF RELIGIOUS. DECREE CONCERNING THE GRANTING OF ABSOLUTION TO RELIGIOUS MEMBERS. In an audience held by the undersigned Cardinal Pro-Prefect of the Sacred Congregation of Religious, on the 5th of August, 1913, the Most Holy Pope Pius X, for particular reasons of conscience, deigned to extend to all confessors approved by the local Ordinary throughout the world, the faculty which in the month of February of this year He had granted to all confessors approved by the Ordinary of the City, concerning the granting of absolution to religious. Therefore, these confessors, by the authority of the Most Holy Pope Pius X, may receive the sacramental confessions of all members of any Order, Congregation, or Institute, without being obliged to inquire or request permission from their superiors, and may validly and licitly grant absolution from sins, even those reserved under censure, within the Order or Institute. Therefore, to all Superiors and Presidents of each Order, Congregation, or Institute, Holiness has commanded that the prescriptions of this decree be faithfully observed in virtue of holy obedience, notwithstanding constitutions, apostolic regulations, privileges granted by any means whatsoever, and all other contrary things, even those deserving of special and individual mention. Given at Rome, from the Secretariat of the Sacred Congregation of Religious, on the days,

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months, and year above mentioned. O. CARD. CAGIANO DE AZEVEDO, Pro-Prefect. L. S. Donatus, Archbishop. Ephesinus, Secretary.

[*Latin ed. p. 432*]

432 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. DECREE. THE APOSTOLIC PREFECTURE OF KAFFENSIS IN NORTHERN AFRICA HAS ITS LIMITS CHANGED. Because the recently established Apostolic Prefecture to the south of Kafta, in order to extend further to the north, and in order that its boundaries might be defined more precisely to the east, the Most Reverend Fathers of this Congregation for the Propagation of the Faith, assembled in a plenary session, on the 25th of last August, decided to distribute the territories of the Ethiopian jurisdiction according to the following law, so that the aforementioned Apostolic Prefecture, henceforth simply called Kafta, would receive from the Apostolic Vicariate among the Galla people the region of Walagga, situated between the rivers Baro and Goggéb and the Blue Nile, and would return to it the territories situated to the east, at 38 degrees longitude east (Greenwich), which had previously belonged to it, according to the Decree of erection issued by this Sacred Congregation on the 28th of last January. Therefore, after mature deliberation, and with the prior consent of all those concerned, it was decided that the boundaries of the Prefecture of Kafta should be changed according to the following newly established limits: To the north, by the Blue Nile and the Mùgher river. To the east, by 38 degrees longitude east (Greenwich). To the south, by 4 degrees north latitude, at Lake Rudolph. To the west, by the civil boundaries between Anglo-Ethiopia, between Lake Rudolph and the Blue Nile. This decision was reported to His Holiness Pope Pius X, by the undersigned Secretary of the aforementioned Sacred Congregation, in an audience on the aforementioned day, and His Holiness was pleased to approve and ratify it in all respects, and ordered that the present Decree be issued concerning this matter. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 8th of September, in the year 1913. Fr. H. M. CARD. GOTTI, Prefect. L. C. S. C. Lawrence, Secretary.

[*Latin ed. p. 433*]

The Holy Congregation of Propaganda Fide. 433. DECREE. The Apostolic Prefecture of the Lesser Sunda Islands is established. In order that the growth of the Christian faith may be promoted in the Lesser Sunda Islands, which already belonged to the Apostolic Vicariate of Batavia, this Holy Congregation, with the aim of propagating the Christian Name, arranged for these same islands to be entrusted to members of the Society of the Divine Word from Steyl, approximately two years ago, and conceived of the plan to establish a new Apostolic Prefecture there. Now, however,

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with new apostolic works increased and strengthened there, the same Holy Congregation, with the authority of the Supreme Pontiff, declares, by the present Decree, the aforementioned Prefecture, in the Lesser Sunda Islands, to be established, with the exception of the island called Flores. Given at Rome, from the offices of the Holy Congregation of Propaganda Fide, on the 16th of September, in the year 1913. F. H. M. CARD. GOTTI, Prefect. L. S. C. Laurenti, Secretary. III. APPOINTMENT OF A BISHOP. By an Apostolic Brief, he was appointed: 1st September 1913. — The titular Bishop of the Church of Gharren and Apostolic Vicar of Zanzibar, Reverend Father John Gerald Neville, a member of the Congregation of the Holy Spirit. IV. APPOINTMENTS OF APOSTOLIC PREFECTS. By Decrees of the Holy Congregation of Propaganda Fide, the following were appointed: 19th August 1913. — Apostolic Prefect of the new Prefecture of the Western Territory of William, Reverend Father Canisius Theodorus Geltings, of the Society of the Sacred Hearts of Jesus and Mary of Picpus. 2nd September. — Apostolic Prefect of the new Prefecture of the island of Formosa, Reverend Father Clemens Fernandez, of the Order of the Friars Preachers. ACTA, vol. V, n. 15. - 27-9-1913, 31.

[*Latin ed. p. 434*]

Acts of the Apostolic See. - Official Commentary. 434. SACRED CONGREGATION FOR THE RITES. I. DECREE OF APPROVAL OF THE NEW TYPICAL EDITION OF THE ROMAN RITUAL. By the mandate of His Most Holy Lord Pope Pius X, the present Roman Ritual, most recently revised, augmented, and diligently examined by the Sacred Congregation for the Rites; His Holiness, at the suggestion of the undersigned Cardinal Prefect of this Sacred Congregation, has deigned to ratify and approve it, and has decreed that future editions of the same Roman Ritual must conform to this edition, as the typical one. Notwithstanding any contrary provisions. June 11, 1913. Fr. S. CARD. MARTINELLI, Prefect. Petrus La Fontaine, Episcopal Vicar, Secretary. II. ORDINARY SESSION. BEATIFICATION AND CANONIZATION OF THE VENERABLE SOULBROUS, SERVANT OF GOD, SISTER MARY OF CHARITY AND OF THE CHRISTIAN INSTRUCTION "DE NE VERS". Bernadette Soubirous, whose name is known to no one, was born on January 7, 1844, in the town of Lourdes, in the diocese of Tarbes, of honest and Christian parents, Francis and Aloisia Gasterot. Whether living at home or with a wet nurse, she is said to have, despite her delicate and frail health, won the love of all through her modesty, obedience, and integrity of life. In the year 1858, she began to find recreation in the company of Massabielle, near the town of Lourdes, where the Most Holy Virgin, Immaculate in Conception, appeared to her

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and taught her the mysteries of the Holy Rosary.

[*Latin ed. p. 435*]

The Sacred Congregation of Bishops, in its document 435, had indicated that, for this reason, a large number of people would flock to the grotto, and therefore she had to endure many inconveniences and annoyances, both from the civil authorities and from ecclesiastical superiors, who, in order to ascertain the truth regarding the apparitions and words of the Blessed Virgin Mary reported by the young girl, interrogated her repeatedly, but were unable to prove even the slightest falsehood or contradiction. Consequently, the number of visitors of both sexes increased so much that the parish priest of Peyramale considered it necessary to remove the girl from the public gaze. Therefore, in the same year, 1858, the care of the parish priest was taken over by the Sisters of Nevers, who, along with other novices, received the Blessed Sacrament, with piety and joy, for the first time on June 3rd; and, dedicating herself to the study and practice of religion and literature, she also provided help and comfort to the sick. In the year 1866, with the advice and authority of the Bishop of Nevers, and in order to respond to her divine vocation, she, after being examined and approved, entered the novitiate of the Sisters of Nevers on July 7th. After receiving the habit and completing her novitiate, on October 30th of the year 1867, she made her vows, taking the name of Sister Mary Bernard, and, after ten years, on September 22nd of the year 1878, she renewed her vows perpetually. It is said that, as with others, she was a guardian of the rules and of silence, and that, even when ill, she never requested any relaxation, and that she only attended conversations out of obedience and for a short time. She found great delight in contemplating the mysteries of the Holy Eucharist and the Passion of the Lord, and in following the Immaculate Virgin with filial piety. Finally, after a long period of infirmities and the fulfillment of her duties, she passed away peacefully, on April 16th of the year 1879, at the age of thirty-five, in Nevers, in the house of her Institute, having received the sacraments of the Church. The reputation for holiness that the Handmaid of God had acquired during her life became even more evident after her death, and opened the way for the investigations necessary to initiate the process for her canonization, with the ordinary authority. These investigations, having been completed and transmitted to the Sacred Congregation of Rites, and in accordance with the established order, at the request of the Reverend Father Louis Copéré, of the Society of Mary, and promoter of this cause, and after considering the subsequent petitions of several Eminences, Most Reverend Prelates, as well as Chapters, Orders, Congregations, and illustrious men, the Eminence and Reverend Cardinal Dominic Ferrata, in place of and in the stead of the Eminence and Reverend Cardinal Joseph Calasanctius Vives y Tuto, promoter of the same cause, proposed the following question for discussion at the meeting of the Ordi-

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nary Congregation of the Sacred Rites, convened at the Vatican: "Whether a commission should be appointed to introduce the cause, in this case and for this purpose."

[*Latin ed. p. 436*]

Acts of the Apostolic See. - Official Commentary. 436. And the Most Reverend and Most Reverend Fathers entrusted with the observance of sacred rites, after hearing the report of the Most Reverend Proponent, and after having heard, both orally and in writing, the Reverend Father Alexander Verde, promoter of the Holy Faith, having carefully considered all matters, decided to write: "Affirmative, or to sign the Commission, if it pleases the Most Holy [Father], on August 5, 1913." Subsequently, these matters were reported to our Most Holy Lord Pope Pius X by the undersigned Secretary of the Sacred Congregation of Rites, and His Holiness, having approved the aforementioned decree of the same Sacred Council, deigned to sign with his own hand the Commission for the Introduction of the Cause of Beatification and Canonization of the Venerable Servant of God, Sister Mary Bernarda Soubirous, of the Society of Sisters of Charity and Christian Instruction of Nevers, on the 13th day of the same month and year.

Fr. S. CARD. MARTINELLI, Prefect.

L. © S. Petrus La Fontaine, Bishop, Secretary.

III. DECREE CONCERNING CERTAIN AMENDMENTS, THE DISCIPLINE OF PLACES, AND REGARDING HISTORICAL DOCUMENTS TO BE PROPERLY USED IN THE INITIAL DOCUMENTS OF CAUSES, FOR THE CORRECT PROCEEDINGS IN THE CAUSES OF THE SERVANTS OF GOD. Concerning the Servants of God, whose sanctity of life is legitimately being examined, it is customary in some places that, when the ordinary processes for investigating their virtues or martyrdom are initiated, the sacred ceremonies indicated in the churches are observed, and a Commission is signed for the purpose of the cause before the Sacred Congregation of Rites, and that a notice is generally disseminated that the Servant of God, for whose cause the process has been introduced, has been declared Venerable by the Apostolic See, and that, among these ceremonies, prayers of thanksgiving and panegyrics are held, which are often so immoderate that the faithful may easily be led into error, believing that they owe the same veneration to these Servants of God, which is due only to the Blessed and the Canonized. Aware of this, Our Most Holy Father Pope Pius X, so that nothing may harm the discipline of the Church, first of all disapproved and forbade the ceremonies that are celebrated contrary to the former custom, when the initiation of ordinary processes is concerned; then, he ordered that the declaration added on February 19, 1658, in the Decrees *ratione

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veritatis*, be recalled.

[*Latin ed. p. 437*]

• Holy Congregation of Rites. In the year 1837, it was decreed that, in order that, through Commissions for the introduction or resumption of causes, or for further progress in them, no signal or indication whatsoever of beatification or sanctity, or of granted veneration and cult, might be omitted, nor could any other right, however slight or of almost no importance, be claimed or alleged in such causes: finally, after consulting with grave men and with the special and earnest vote of certain Holy Roman Cardinals, it was forbidden that the Servants of God whose causes are introduced henceforth be called Venerable, nor that solemnities be celebrated on the occasion of the decree issued concerning the introduction of the cause. Furthermore, adhering to the judgment of the Most Holy Pope Benedict XIV, who considered it safer to abstain entirely from panegyric prayers in honor of the Servants of God not yet beatified, such prayers were henceforth forbidden. However, it was permitted that the Servants of God be adorned with the title Venerable only after the decree concerning the heroic virtues or concerning martyrdom has been issued, but in such a way that from this permission no argument of granted veneration whatsoever might be inferred or alleged. Furthermore, considering the piety of the faithful, who might easily be deceived in these cases by the solemn occasion, believing it permissible to venerate one of whose beatification the judgment still hangs with the Holy Roman Church, solemnities for giving thanks to God were also forbidden even after the decree concerning heroic virtues or martyrdom, although this prohibition does not intend to prevent the addition of prayers for the intention of the Servants of God in the Masses, as is fitting. Moreover, the Most Holy Pope, for the proper handling of causes of beatification and canonization, especially those that rely in part on historical monuments, or those that enjoy the privilege of subsidiary proofs, having consulted those mentioned above, and with the careful judgment of the Most Reverend Father Promoter of the Holy Faith, decreed the following: "I. In all causes, especially the more recent ones, the Most Reverend Ordinary, when establishing the informative process, must, in addition to the witnesses who favor the cause, also summon all those who oppose the cause, without exception, under the penalty of nullity, with the awareness of both the Ordinaries and the Fiscal Promoters. II. In all causes, especially the older ones, all and each historical document, whether manuscript or printed, in any way pertaining to the cause under consideration, must be examined. For this, not only must those holding the rights be warned to present them to the Ordinary; but, if the circumstances require it, they must be subjected to examination by the religious guardians of any archive or repository, whether public or private; and with the utmost diligence and industry, care must be taken to ensure that documents of

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every kind pertaining to the cause are..."

[*Latin ed. p. 438*]

438 Acta Apostolicae Sedis. - Official Commentary. Documents pertaining to the cause should be gathered, and all particulars ascertained, according to the norms established by the Most Reverend Benedict XIV, book II, chapter LII, III. Before a doubt concerning the introduction of the cause is discussed in the Ordinary Congregation, the Congregation for the Sacred Rites shall, as the case requires, examine documents in the archives of the Curia, in the general houses of Religious Orders and Institutes, both of men and women, as well as in the archives of the Sacred Roman Congregations, and wherever it is presumed that such documents may be found. IV. All documents, whether appended to the ordinary process or collected by the Sacred Roman Congregation, shall be subjected to examination by experts chosen by the Sacred Roman Congregation, who shall provide a written opinion regarding their authenticity and validity. The Promoter of the Faith, before the Ordinary Congregation is convened for the introduction of the cause, shall present all the documents together with the opinion of the experts. V. The most important documents should be especially printed in full, with the name of the author, the date, the place, and other relevant details noted, and included in the Positiones concerning the virtues or martyrdom, together with the report of the experts, as mentioned above, regarding the authenticity and validity of the documents. VI. In the Positiones for the Ordinary, Antipreparatory, and Preparatory Congregations, a synopsis of the life of the Servant of God whose cause is being considered should be included, briefly and clearly written according to the official record, drawn from the testimonies and the documents. VII. In all causes of beatification, the examination of which is currently pending before the Sacred Roman Congregation, the Sacred Congregation itself shall not proceed further, unless the documents have been presented by those who have an interest in the matter, and have been examined by them in the manner described above. All of these matters and particulars have been decreed and ordered to be observed by His Holiness, and have been entrusted to the care and vigilance, in particular, of the Secretary of the Sacred Roman Congregation and the Promoter of the Faith for the time being, and have been ordered to be recorded in the Acta Apostolicae Sedis on this day, August 26, 1913. From the Secretariat of the Sacred Roman Congregation, Father S., Cardinal Martinelli, Prefect. Petrus La Fontaine, Episcopal Chancellery, Secretary.

[*Latin ed. p. 439*]

The Roman Rota. 439 SACRED ROMAN ROTA OF PARIS. NULLITY OF MARRIAGE (MARGUERITE DUPRE-SCAPARONNE). During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on

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the 22nd day of April, 1913, the Most Reverend and Most Learned Fathers, Anthony Perathoner, President; Joseph Alberti and Peter Rossetti, Auditors, in the case of Paris – Nullity of Marriage, between Lucian Ernest Marguerite Dupré, the petitioner, represented by his lawful procurator ex officio, the advocate H. Benvignati, and Carola Nemea Scaparonne, the respondent, who appeared and contested the case, rendered the following final judgment. In the year 1881, and indeed on the 8th of October, in Paris, in the parochial church of Saint Francis Xavier, Lucian Ernest Marguerite Dupré and Carola Nemea Scaparonne were married. However, this unhappy marital union came to an end, and after only two years, it was dissolved. Furthermore, the husband shortly thereafter obtained from a secular judge a divorce decree favorable to him. But only in the year 1897 was a judgment of the Church pronounced in this case. On the 21st of February of the year 1896, the petitioner instituted a suit before the Parisian Tribunal, seeking a declaration of the nullity of his marriage, alleging that neither he nor his bride had resided or had a quasi-residence within the limits of the parish of Saint Francis Xavier at the time of the marriage, and therefore, the marriage was null because of a defect in form, or by virtue of the exception of clandestine marriage. Indeed, the Parisian judge rendered a judgment declaring the marriage null in this case on the 4th of December, 1897. The Defender of the Bond, as is proper, appealed to the Holy See, and brought the matter before the Sacred Congregation of the Holy Office, in order to determine, in the first place, whether the case was one excepted by the Decree of the aforementioned Holy Office of the 5th of June, 1889, in which an appeal and a second judgment were not necessary, and, if not, to resolve the matter on its merits. The Holy Office, considering that the records appeared insufficient, ordered that new instructions be obtained; but, since the Parisian Tribunal had been able to bring little new information, the Holy Office did not render a definitive judgment, and indeed, it appears that this was because the parties renounced further consideration of the case. Now, Ernest Dupré desires a final judgment. Therefore, having obtained from the Supreme Pontiff permission to examine the acts prepared in the Bourges Tribunal, which were...

[*Latin ed. p. 440*]

440 Acta Apostolicae Sedis. - Official Commentary. Proceedings were prepared with the intervention of the Defender of the Bond, and therefore, considering the question of nullity, the matter is presented to the Most Holy Office in the usual form of a doubt: Does a nullity of marriage exist in this case? The Lords Auditors have observed the following regarding the law. According to positive law in places where the Decree of the Council of Trent (Session XXIV, chapter 1 on the reform of marriage) was promulgated, until April 19, 1908, when the Decree *Ne temere* came into effect,

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it was required that the matrimonial consent be given before the proper parish priest of either of the contracting parties, or before the Ordinary, or before a priest who had received a delegation from that same parish priest or from the diocesan Ordinary. This form was essential for the validity of the marriage, and its absence constituted a particular impediment to marriage, which is called clandestine marriage. The proper parish priest was considered to be that priest in whose parish either or at least one of the contracting parties had a true or quasi-domicile. In other words, it did not matter whether the priest assisting at the marriage was the proper priest of the bride or groom, if they were of different parishes. However, for those who were vagrant, or who had neither a true nor a quasi-domicile, the proper parish priest was generally considered to be the one in whose parish they resided. If only one party was vagrant, the marriage could be celebrated either before the parish priest of the vagrant, or before the parish priest of the domicile or quasi-domicile of the other party. There was a great controversy as to whether vagrants could validly contract marriage before any priest in the world, or before any priest chosen by the betrothed. This controversy has not yet been definitively settled, but it is undoubtedly more in conformity with the mind of the Council of Trent the doctrine that holds that a vagrant can only celebrate marriage before the parish priest of the place where he actually resides, or before the proper parish priest of the other party. This opinion has been held and is held by many and esteemed authors, although the other opinion, that vagrants can contract marriage before any priest, is also probable (Cf. Wernz, vol. IV, no. 178). In addition to the parish priest, any other priest could validly assist at the marriage with the express permission of the proper parish priest or of the Ordinary; this permission, however, must be expressly given, either orally or in writing, before the marriage; mere presumed permission is not sufficient. Furthermore, in a marriage contracted before a foreign priest, it cannot be presumed that the priest had been delegated to perform the marriage, but this must be shown by witnesses, documents, or at least by conclusive facts. Finally, it is worth noting that clandestine marriages do not become valid through prolonged cohabitation (Cf. ad rem Aichner, *Compendium iuris eccl.*, ed. 11, pp. 682 sqq. Cf. also Alberti, *De domicilio ecclesiastico acquirendo et amittendo*).

[*Latin ed. p. 441*]

The Roman Rota. 441 In matters established by law, the Fathers have fully considered the facts and have determined that the marriage in question was contracted in the parish church of Saint Francis Xavier without a dispensation, because the parties indicated were residents of the aforementioned parish. Neither of the parties personally approached the parish priest of Saint Francis to discuss the impending marriage; rather, the preliminary arrangements for the marriage were discussed before the aforementioned

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parish priest by the bride's mother and the Scaparonne family, who, however, did not indicate the true domicile of either the bridegroom or the bride. Indeed, in the marriage register of the parish of Saint Francis Xavier, it is stated that the bridegroom resided at Rue Vaneau 82, where, in fact, the bridegroom's brother resided; and it is stated that the bride resided at Avenue Lowendal 5, where her sister resided. Both of these streets are located within the parish of Saint Francis Xavier. However, it is clearly demonstrated from the records that, at the time of the marriage, Miss Caroline Nemea Scaparonne resided, together with her mother, at Rue Gier 53-bis, which is located in the parish of Saint Pierre du Gros-Caillou, and indeed had resided there since the year 1879. This is asserted not only by the plaintiff but also by several other witnesses. For example, Madame Deletry Frida states: "Miss Scaparonne lived with her mother at Rue Cler 53-bis. I believe that Miss Scaparonne has always lived with her. She was certainly with her during the two or three years that preceded the marriage and during which I knew them." This is confirmed by the witness Bonnier, who says: "The Scaparonne family lived on Rue Cler, I do not know for how long. Miss Scaparonne lived with her parents," and by the witness Adolphus Marguerith Dupré: "Madame Scaparonne and her daughter lived on Rue Cler, but I do not know for how long." The time of the mother, Nemea's, residence on Rue Cler is more precisely indicated by F. Bisson, the doorman: "I recognize that I had as a tenant at 53-bis of Rue Cler, Madame Scaparonne, from 1879 to 1882." The aforementioned doorman's wife, Anna Guylbert Bisson, also states something similar, saying: "I only know that she (the Scaparonne family) remained at that address (Rue Cler) for about two and a half years." These testimonies leave no room for doubt regarding Nemea's domicile at the time of the marriage. Therefore, the hypothesis that Nemea may have resided at the time of the marriage with her sister, who, as evidenced by the records, resided within the boundaries of the parish of Saint Francis Xavier, deserves no consideration. The following argument is presented to support this hypothesis: the mother, Nemea, was opposed to the marriage and therefore, it seems, disapproved of it; therefore, Nemea, in order to overcome her mother's resistance, went to live with her married sister, and awaited the day of the marriage there. But...

[*Latin ed. p. 442*]

442 Acta Apostolicae Sedis. - Official Commentary. It is possible to adduce a document that might render such a hypothesis either probable. On the contrary, there are arguments that almost exclude this hypothesis. For one thing, witnesses affirm that Nemea always lived with her mother, and not one of them ever suspected that she could have had a residence with her sister. Furthermore, it should be added that Nemea was sought in marriage, not at her sister's house, but at the home of her parents, residing at 53-bis, via Cler, and that she remained there for several days after the

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marriage with her husband. Nor is there any doubt concerning the residence of the Scaparonne family at the time of the marriage, since the owner of the house at 53-bis, via Cler, gave written testimony stating: "I certify that Madame Scaparonne lived with me at 53-bis, rue Cler," and before the judge, he stated: "I believe that the Scaparonne family lived with me from the end of 1879 until 1881." This testimony, although vague, does not primarily exclude the possibility that the Scaparonne family, up to the day of the marriage, that is, until October 8, 1881, lived at 53-bis, via Cler, which, in addition to the plaintiff, is also asserted by the doorman. Furthermore, as has been said, the bridegroom and bride also remained there for several days after the marriage. The owner of the aforementioned house explains that he does not remember the length of the Scaparonne family's stay, because he was an octogenarian. Just as Nemea Scaparonne did not have a true or quasi-residence in the parish of Saint Francis Xavier, so neither did Marguerithe Dupré. Indeed, when she came to Paris at the end of September 1881 for the purpose of the marriage, she did not reside in that parish. She herself states: "I lived then at the Hotel de Chartres, rue de Borgogne, and rue de Farenne. I was only passing through. Immediately after the marriage, I lived with my mother-in-law at 53-bis, rue Cler. My parents lived in Bourges. As for me, I did not yet have a fixed residence in Paris upon my return from Laon." The aforementioned "Hotel de Chartres" was located outside the limits of the parish of Saint Francis Xavier. If the plaintiff's assertion is not sufficient to prove the lack of a residence, other arguments exist that completely exclude the possibility that Ernest had a quasi-residence in the parish of Saint Francis or in any other parish in Paris at the time of the marriage. Primarily, the plaintiff's assertion is at least indirectly confirmed by the witnesses Berriaux and Adolphus, from whose depositions it is clear that the couple stayed for a time with the mother-in-law after the marriage, which they would not have done if they had already acquired another residence in Paris! As for the residence at 82, rue Vaneau, it is best to note...

[*Latin ed. p. 443*]

The Roman Rota. 443. The official from Paris states: "Regarding the man, it is useless to inquire whether he truly resided at 82 Rue Vaneau, for it is certain that he visited Paris a few days ago; it is certain that the house at 82 Rue Vaneau was a lodging; it is certain that he did not reside there after his marriage, and therefore, with regard to the parishes of Paris, he was a wanderer." Now, the question arises as to whether Ernest was entirely a wanderer, or whether he had a true or quasi-domicile somewhere outside of Paris. If the validity of the marriage depended on the question of whether a wanderer is required to contract marriage before the parish priest of his actual residence, or whether it suffices to contract marriage before any parish priest in the world; if the latter is certain, then the marriage

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would not be invalid in this case, because it rests on no legal basis the competence of the parish priest of Saint Francis Xavier. Once this question is resolved, which it is, in the affirmative sense, the former question becomes useless; therefore, the former must first be considered. It is clear from the testimony of three witnesses, whom the Ordinary of Bourges considers entirely trustworthy, that Ernest was born in Bourges and that he maintained his domicile there with his parents until the time of his marriage. The testimony of witness Duand states: "Mr. Marguerith Dupré was with his family, except when he went to perform the assignments entrusted to him. His domicile was always Bourges, with his family. He lived with his family; during his missions, he stayed in lodgings or at a hotel. In Laon or in Paris, he was only passing through and was not at home. As soon as he had finished his mission, he returned to Bourges. He had a furnished room, which he had saved up for, in his parents' house. After his marriage, he left his family. Before, he had no intention of having a house." The same is confirmed by witness Hervet: "He was always with his family. He returned to Bourges every time his missions were finished, and he was received at his parents' house as one of the family." In a similar manner, witness Lacoste testified: "He always returned to Bourges after his mission was finished. He had a room in his relatives' house, like a member of the family. He never left his family, except after his marriage. He did not know where he would go then. Therefore, he had no apartment of his own." From the testimonies of these same witnesses, it is also gathered that Ernest, as an official of the telegraph, was sent by his superiors from one place to another, but in the places where he resided for the sake of his office, he never had a home of his own, but always lived either in a lodging or in a rented room. This demonstrates that Ernest had never acquired a domicile in any place, abandoning that which he had in Bourges. But this domicile in Bourges did not belong to Ernest.

[*Latin ed. p. 444*]

r 444 Acta Apostolicae Sedis. - Official Commentary. It has been demonstrated through frequent and even lengthy absences that a domicile is not lost even after several years of absence, provided there is an intention of returning. Furthermore, it must be noted that to acquire a quasi-domicile, two things are required: namely, actual habitation in a place, and the intention of remaining there for the greater part of the year. However, Ernestus, coming from Paris, had the opportunity to establish his domicile outside the parish of Saint Francis Xavier, namely, in the home of his wife, to which he went immediately after the marriage. It is confirmed that Ernestus retained his domicile in Bourges with his parents, because there he kept his possessions, in particular a room prepared for him; he was registered there among the electors; he paid his taxes there. Furthermore, civil proclamations, and therefore probably also ecclesiastical ones, were carried out in

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that city, although this is not certain. In letters from the Bourges Curia to the Paris Curia dated October 4, 1897, the following is written: "Since publication in the church was impossible, we were unable to find any trace of it. The register of publications from 1881 no longer exists in the parish of the Cathedral." Therefore, since it is certain that Ernestus had his domicile in Bourges, it must be determined whether, when he requested to marry in Paris, he intended to abandon his domicile in Bourges and acquire another one, or whether he actually abandoned his domicile before the marriage and became, for a time, a vagrant. The witness interrogated by the delegate from Bourges, "Did you, at the time of your marriage, have your house, your apartment for yourselves?", replied: "At the time of the marriage, his intention was to establish a domicile in Paris, thereby abandoning that of Bourges." However, he immediately adds: "The domicile that the petitioner intended to take after his marriage was to be in Paris or elsewhere; nothing had yet been decided." From these words, it cannot be deduced that Ernestus abandoned his homeland with the intention of never returning, and therefore lost his domicile at the very moment of the marriage. For it is an undoubted principle of law that a change of domicile is not presumed, nor is a domicile considered changed, unless by express intention. Indeed, in this case, no positive argument can be put forward that Ernestus, who requested and obtained a transfer to Paris for the purpose of marriage, had a firm intention of abandoning his domicile in Bourges. On the contrary, sworn witnesses testify that Ernestus did not change his domicile in Bourges before the marriage, and all the circumstances suggest that he did not abandon that domicile before the marriage. Ernestus, as a matter of course, was considering...

[*Latin ed. p. 445*]

The Roman Rota. 445, concerning the preparation of a dwelling, but since he was not certain how long he could remain in Paris, he had made no decision, and therefore, immediately after the marriage, he lived with his wife at his mother-in-law's house. It is indeed true that one can lose a dwelling before acquiring another, if he has departed from the first with the express intention of not returning; but this intention cannot be conclusively proven in our case. Rather, Ernest's intention must be interpreted as having been to retain his former dwelling, until the moment when he had acquired a new one; in other words, until there was a reason, which did not exist before the marriage, to abandon his paternal dwelling. Therefore, it cannot be conclusively proven that Ernest abandoned his paternal dwelling before the marriage, and he cannot therefore be considered a vagrant, and it is therefore superfluous to inquire whether, in this case, the assistance of the actual parish priest of his place of residence was necessary, although, as stated above, according to the common opinion, the parish priest of the place where he resides is the proper one before the Decretum. The Lords

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Auditors admitted that there was some doubt as to whether Ernest had abandoned his paternal dwelling before the marriage, but they considered it to be a slight doubt, and therefore, the well-known principle of law "In dubio standum est pro valore matrimonii" could not be applied. This, of course, is valid when there is a probable doubt in favor of the marriage, but not when there is a slight, indeed very slight, doubt, as in this case; such a doubt must be rejected, as taught by Cardinal D'Annibale (cf. p. I I I, n. 478, ed. III). After considering all these matters in law and in fact, invoking the name of Christ, we, the undersigned Auditors of Tournon, sitting for the Tribunal, and with only God before our eyes, decide, declare, and definitively sentence, answering the proposed doubt: Affirmative, that is to say, that there is a nullity in the marriage in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunal to whom it pertains to enforce this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, especially chapter 3, session XXV, on reform, of the Council of Trent, using the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 22nd of April, 1913. Anthony Perathoner, President. Joseph Alberti. Peter Rossetti. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 446*]

446 Acta Apostolicae Sedis. - Official Commentary. THE SECRETARY OF STATE TO THE MOST REVEREND LORD, ALGIS GOURAUD, BISHOP OF VANNES, WHO PRESENTED THE BOOK ENTITLED, "FOR CATHOLIC ACTION," AS A MARK OF DEFERENCE, TO THE MOST BLESSED FATHER.

My Lord, The Holy Father, Pope Pius X, was very pleased by the filial tribute of the book that Your Eminence has recently published under this title: "For Catholic Action." In this work, full of interest and relevance, Your Eminence, inspired by the Directives of the Holy See, rightly emphasizes the necessity of Catholic Action, recalls its conditions, and indicates the vast field in which it is called to operate. These lively and insightful pages, which recount your efforts and also your successes, are eminently suited to rekindle in the hearts of all Catholics, priests and laity, the flame of the apostolate and to make their labors fruitful, by inviting them to unity and organization in the religious sphere. His Holiness is pleased to congratulate you on this timely work and on your concern for your dear diocesans, as well as on your zeal to cooperate in the religious movement and progress in your beloved country. As a pledge of His paternal benevolence and of heavenly favors, His Holiness wholeheartedly grants, for Your Eminence and for your work, the Apostolic Blessing. I myself have received, with particular satisfaction, the copy that Your Eminence has kindly offered me, and, with my personal congratulations and thanks, I beg you to accept, My

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Lord, the assurance of my entire devotion in Our Lord.

Rome, August 24, 1913.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 447*]

Diary of the Roman Curia. 447

DIARY OF THE ROMAN CURIA

SECRETARY OF STATE OFFICE.

The Directorate of the Pontifical Annuary earnestly requests the Most Reverend and Venerable Monsignors, Archbishops, Bishops, Abbots, Superiors of Religious Orders, Rectors of the Urban Colleges, and all those who may have an interest, to kindly send to this office (located at the Secretary of State – Vatican) the news and corrections concerning their respective Dioceses and Institutes, to be included in the Pontifical Annuary for the coming year; in accordance with the Letters and instructions given by His Eminence, the Reverend Cardinal Merry del Val, Secretary of State of HIS HOLINESS, dated June 1, 1911, and 1912.

APPOINTMENTS.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Domestic Prelates of His Holiness:

August 10, 1913. – Monsignor Augusto Benvenuti, formerly parish priest of S. Salvatore in Lauro in Rome.

August 25. – Monsignor Luigi Cicerchia, general vicar of the diocese of Palestrina.

August 26. – Monsignor Luigi Giovanni Klein, general vicar of the diocese of Lincoln.

September 3. – Monsignor Pio Antonelli, canon of the cathedral of Treviso.

September 6. – Monsignor Antonio Paleólogo, general vicar of the diocese of Sira.

September 6, 1913. – Monsignor Francesco Marengo, honorary general vicar of the aforementioned diocese.

September 13. – Monsignor Salvatore Dellaira, general vicar of the diocese of Caltanissetta.

[*Latin ed. p. 448*]

Acts of the Apostolic See. - Official Commentary. 448 HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors:

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The Order of Saint Gregory the Great, civil class: August 17, 1913. — To Mr. Wilhelm Hamm, of the diocese of Breslau. The Order of Saint Sylvester, Pope: August 19, 1913. — To Mr. Emilio Wychodil de Hannaburg, of the archdiocese of Olomouc. The Order of Pius: August 27, 1913. — To Mr. Elias Dominic Brunelle, of the diocese of Saint-Germain of Rimouski. The Order of Saint Gregory the Great, civil class: August 23, 1913. — To Mr. Walther von Mayrhauser, Imperial and Royal Vice-Consul, A.U., in Seutari. — To Mr. Rudolph Kohlruss, Imperial and Royal Vice-Consul, A.U., in the same city. — To Mr. Peter Selem, attaché to the Imperial and Royal Consulate, A.U., in the aforementioned city. September 12. — To the Most Noble Count Anthony d'Estienne de Prunières, of the diocese of Gap. The Order of Saint Gregory the Great, military class: September 3, 1913. — To Mr. Giuseppe Vincent, formerly a Papal Zouave, of the archdiocese of Ottawa. The Order of Saint Sylvester, Pope: August 23, 1913. — To the gentlemen Nassuf bei Disdari and Giuseppe Hagia, interpreters in the Imperial and Royal Consulate, A.U., in Seutari. August 29. — To Mr. Cesare Pagliari, of Cremona. NECROLOGY. September 7, 1913. — His Eminence, Cardinal Giuseppe Calasanzio Vives y Tuto, Prefect of the Sacred Congregation for Religious. September 12. — Monsignor Giovanni Fedele Battaglia, titular Archbishop of Cizicus. September 20. — Monsignor Gaspare Feliciano Cyrtowt, Bishop of Samogitia.

[*Latin ed. p. 449*]

Year V. - Vol. V. October 28, 1913. No. 16. ACTA APOSTOLICAE SEDIS COMMENTARIUM «OFFICIAL ACTS OF POPE PIUS X BY HIS OWN INITIATIVE. CONCERNING CERTAIN OFFICES OF DIVINE WORSHIP TO BE REFORMED IN A NEW WAY. PIUS PP. X. About two years ago, when We promulgated the Apostolic Constitution, inspired by Divine grace, in which We aimed, as far as possible, to ensure that the recitation of the Psalter be completed within the week, and that the ancient Offices for Sundays be restored, many other things were present in Our mind, partly considered, partly even begun, which pertained to the reform of the Roman Breviary, which We had undertaken; but We were compelled to postpone these, as it was not yet possible to carry them out due to numerous difficulties. Indeed, in order to compose the Breviary in such a way that it will be as We desire, that is, with all its parts complete, the following are necessary: to restore the Calendar of the universal Church to its original description and form, preserving, however, the beautiful additions which the wondrous fecundity of the Church, Mother of the Saints, has always brought to it; to use suitable passages from the Scriptures and the Doctors of the Church, properly arranged for reading; to draw forth, with moderation, the lives of the Saints from the monuments; to arrange more appropriately the various parts of the Liturgy, removing what is superfluous. Truly, all of these things, according to the judgment of scholars and prudent men, require

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labors that are both great and long-lasting; and for that reason, a long series of years must pass before this, almost a liturgical edifice, which contains the mystical actions of Christ,

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis. - Official Commentary. The Divine Office, so that it may more clearly express piety and faith, has been carefully revised, and, adorned with splendor and elegance, appears as if cleansed of all vulgarity. Meanwhile, from letters and conversations with many Venerable Brothers, we have learned that it is most desirable for themselves and for many priests that all the changes, which have already been adopted or may be adopted, be included in the Breviary, together with the Psalter arranged in a new manner and with its proper rubrics. Since they earnestly requested this of Us, they also indicated that they greatly desire that the new Psalter be used more frequently, and that the Offices for Sundays be observed with greater devotion, and that the inconveniences of the translations of the Offices be remedied, and that certain other things which seem beneficial be changed. We have gratefully received these desires, since they are firmly grounded in truth and are in perfect harmony with Our own will; and we believe that now is the time to fulfill them. We have indeed been informed by the librarians who serve the Sacred Congregation of Rites that, while they await the definitive and decretory revision of the Roman Breviary, they are preparing a new edition of the Breviary. We have considered this an opportune occasion; therefore, after invoking the light of divine Wisdom, after consulting with several Cardinals of the Holy Roman Church, and after obtaining the opinion of Our own Council, We hereby decree and establish the following by Motu Proprio:

I. In accordance with the ancient custom of the Church, the Offices for Sundays should not be easily omitted. Therefore, no feast, not even that of the Lord, shall henceforth be celebrated on a Sunday; with the exception, due to its particular nature, of those which occur from the first to the fifth of January: which, remembering the most holy Name of Jesus, because of its connection with the mystery of Circumcision, We assign. All feasts to which a Sunday has hitherto been assigned, with the exception of the feast of the Most Holy Trinity, shall be permanently transferred to another day. Lest anything be omitted from the Offices for Sundays during Lent, which have been wonderfully composed to stir up Christian penance in the hearts of the faithful, We promote the second, third, and fourth Sundays of that time to the first class.

II. Since the recitation of the Psalter hinders the celebration of the Octaves, so that this may happen less frequently, henceforth only the first class, which has complete Octaves, shall retain them; but in these very Octaves, except for those which are privileged, the Psalms of the Feria shall

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be recited.

[*Latin ed. p. 451*]

The acts of Pope Pius X, number 451, are to be observed. — The Octaves shall be celebrated on the eighth day, and indeed with a simple rite. III. The Responsorial Psalms should always be those appropriate to the time of year, and should be taken from the Scriptures. IV. No translation of any feast day, not even a perpetual one, which is celebrated in the universal Church, shall be made, except for the First and Second Orders. Now, concerning how those things which We have prescribed here should be put into effect, and what further innovations are necessary, not only in the Breviary, but also in the Missal, which must be consistent with it, the Sacred Congregation of Rites, after consulting a special commission instituted by Us, will establish these matters with its own decrees, and will also take care to produce a new, typified edition of both the Breviary and the Missal. We desire that these prescriptions, as soon as this Motu Proprio is promulgated, shall be effective. However, considering the calendars which have already been completed for the coming year, or the time required by the printers, We allow those who use the Breviary of Rome in the performance of their office, both from the secular clergy and from the regular clergy of both sexes, not to be bound by these prescriptions until the first of the year 1915. Those, however, who legitimately use a Breviary different from that of Rome, will have defined by the Sacred Congregation of Rites within what time limits they must conform to these same prescriptions. It is permitted to everyone to acquire for themselves and to use, even now, Breviaries which are in use, provided that they have in a special booklet, from which they can comply with the Constitution divinely inspired and the decrees which follow it, and also diligently observe what We have established in this Motu Proprio and whatever the Sacred Congregation of Rites has decreed on this matter. And all these things We establish and decree, notwithstanding any contrary provisions, even those deserving of special mention. Given at Rome, at St. Peter's, on the twenty-third day of the month of October, in the year 1913, in the eleventh year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 452*]

452 Acta Apostolicae Sedis. - Official Commentary. LETTERS. I. TO THE MOST REVEREND FATHERS, THE ARCHBISHOP IOANNES OF SAINT JAMES OF CHILE, AND OTHER BISHOPS OF THE REPUBLIC OF CHILE, WHO, THROUGH LETTERS SENT JOINTLY TO THE MOST HOLY FATHER, DENOUNCED THE INJURIES INFLICTED UPON THE APOSTOLIC INTERNUNCIUS WITHIN THEIR TERRITORY, AND CONFIRMED THEIR OWN AND THEIR PEOPLE'S DEVOTION AND ALLEGIANCE TO THE APOSTOLIC SEE. Venerable Brothers, greetings and the apostolic blessing. — The indignities which you, in the city of

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this Republic, recently suffered, as you have communicated to Us through common letters, have caused the greatest sorrow, not only to Us, as you well understand, but to all; and this all the more because they occurred beyond all expectation. We have always held a high opinion of the religion and piety of the citizens of Chile, and of their civil culture and humanity; for which reason it was impossible for Us to suspect that any among them would so outrageously violate both religion and human decency in a most honorable man. Although the injuries and insults, which Our Internuncio reported, were inflicted upon him because he had not acted rightly or faithfully in his duties, as befits one representing the Roman Pontiff and this Apostolic See, yet it is clear that they were directed against the very office he held. Openly, the clamorous outcries of the populace mocked that which is supremely venerable to every Christian. But it was not only the case that the Internuncio had not admitted anything worthy of reproach; rather, those who are in charge of affairs in Chile testified that he had rendered a very good and useful service to the Republic. If he was innocent, as he certainly was, he should have defended his dignity; for the authority of envoys is a sacred law of nations, and it is rarely harmed without impunity, unless justice is silent, and only reason has recourse to arms and force. Thus, the rashness of a few has stained the reputation of the Chilean people, which has always been renowned for all kinds of civility and culture. And We have borne the weight of these unworthy deeds all the more heavily, because the perpetrators were almost entirely heedless young men, who were even celebrating public festivities, while the instigators and promoters were men deeply hostile to the Catholic faith, who had brought a young woman, driven by reckless zeal, to Chile to attack the Apostolic Internuncio. But it is precisely in such a mission that the good offices which exist between this Republic and the Apostolic See are manifested.

[*Latin ed. p. 453*]

Acta Pii PP. X. 453: The necessity, indeed, is so closely connected with the common good of salvation; and the principles of truth, justice, and charity, upon which the peace and prosperity of the state depend, must remain intact with the preservation of religion. – Indeed, your letter brought us timely news, which declared you and your people to be sharers in our sorrow regarding this matter, and confirmed the indignation of the citizens of all ranks concerning that wickedness and injustice, as well as the public respect shown to Us. In this, we are especially pleased that the most excellent President of the Republic and the most illustrious Minister of Foreign Affairs have acted so generously in this cause, so that they may serve both justice and the honor of the fatherland; and we desire to express to you, above all, the gratitude we feel. As for your intention to send a common letter to all the citizens of Chile, we strongly approve of this proposal, not only

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to demonstrate the shame and impiety of the matter we are complaining about, but also to reveal the secret plans of the adversaries, although it is certain that this sad event has already aroused many good people and those who are concerned for the safety of the Church in Chile. We, for our part, will continue to follow the course of your affairs with singular zeal and care; in the meantime, as a pledge of divine favor and a sign of our paternal charity, we impart to you, venerable brothers, and to all the Chilean people our apostolic blessing with all our heart. Given at Rome, near St. Peter's, on the twentieth day of the month of August, in the eleventh year of Our Pontificate. MCMXIII, PIUS PP. X. To the Most Reverend Father Alexis Lépicier, General Prior of the Order of the Servants of Mary, to express our congratulations on the establishment of a college of the Order in Urbano, according to the teachings of the sacred discipline. Beloved Son, greetings and apostolic blessing. – Now, in the fifth and twentieth years since our blessed predecessor Leo XIII enrolled the seven founders of your Order among the saints, we wish to openly and frankly declare how diligently and with what honor we pursue this Order, which was divinely inspired to promote devotion to the most holy Virgin. Indeed, it has so fruitfully worked to promote devotion to the same Blessed Virgin among the Christian people, has brought forth so many students distinguished for their holiness, and has aided the Church with so many diligent administrators and the state with outstanding men, that it stands among families as a model of virtue.

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis. - Official Commentary. It deserves, with the greatest merit, to obtain the highest place. Furthermore, it is fitting to commend you for this, considering your condition and circumstances; although, whatever the harshness of times and events, you have never wavered; indeed, the honors bestowed by our most august Fathers seem to have added such zeal to you, that you have already begun to bear much more abundant fruit in the vineyard of the Lord. We rejoice in such progress, not only for the benefit of the entire Order, but we also confidently expect that it will be even greater in the future. For why should our hope be disappointed, when young men are growing up under your care, properly instructed in piety and doctrine? We know that those in charge of the Order are entirely devoted to this task, so that, according to our prescriptions, your students may draw Christian wisdom from pure sources and adopt the form of religious life handed down by their forefathers. In this, you, our beloved sons, have rightly striven to achieve something more perfect; as we have learned, you have established, in the college of Saint Alexis Falconieri, which is open to your students from all nations in Rome, instruction in the sacred disciplines, and you are considering introducing this method of study into your other houses as well. Indeed, the outcome of this plan will be salutary, so that not only

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will the treasury of scholastic doctrine remain complete among you, and all your members will profess it with one mind and one spirit, but also that illustrious doctors from the Order, who have written so much about Christian truth, will restore it to its former splendor. And from this, another advantage arises, no less important: that selected young men may have the opportunity to develop their talents in such a noble arena of study, so that they may be perfectly prepared to teach. But another reason why we are so pleased with your diligent work is this: your predecessors, imitating you in this office, strive with all their might to ensure that those who, having completed their studies, become priests, do not gradually forget what they have carefully learned, nor do they remain idle, but rather, they may acquire a greater store of sacred doctrine. For it often happens that those who administer the sacred rites lack the divine and human knowledge that is necessary for their flourishing, not because they were improperly instructed in seminaries or monasteries, but rather because they have allowed the knowledge they have acquired to diminish and disappear through negligence. Therefore, continue, our beloved sons, to watch over those recently ordained, so that, as they advance in age, and especially in the early days of the sacred ministry, when they devote themselves to the care of souls and the salvation of men, they may faithfully observe the laws of their Institute and constantly cultivate ecclesiastical disciplines. And if you do this, and if you entrust the entire matter to the care of the Sorrowful Virgin and the Seven Holy Fathers, you may be certain that...

[*Latin ed. p. 455*]

Acta Pontificum, Pius PP. X., 455, we have: the Order, both for us and for you, will gradually ascend to greater things, as the benefit to all and to the Church is explored. And so that this may come to pass according to our wishes, we offer a pledge of heavenly blessings and a testament of our paternal benevolence, to you, beloved Son, and to all your colleagues, impartially granting an apostolic blessing from our heart. Given in Rome, at Saint Peter's, on the twenty-fifth day of the month of October, in the eleventh year of our pontificate. PIUS PP. X. CIRCULAR LETTERS TO THE REVEREND ORDINARIES OF ITALY, CONCERNING BOOKS TO BE USED BY STUDENTS IN SEMINARIES, EITHER IN SCHOOL OR PRIVATELY. Rome, October 17, 1913. To the Most Reverend and Reverend Lord, With a circular of July 16, 1912, following the reports of the Apostolic Visitors of the seminaries of Italy, this Holy Congregation urged the Reverend Ordinaries to take the utmost care in choosing the most suitable textbooks and those of certain doctrine, and to exclude those that might be dangerous to the ecclesiastical formation of the young students of the sanctuaries. The great importance of this provision did not escape the Reverend Ordinaries; and this Sacred Congregation has been able to note with satisfaction that many textbooks previously adopted, not conforming to the directives of the

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Holy See, have been firmly eliminated from our institutions. Nevertheless, the inconvenience already noted by the Apostolic Visitors has not entirely ceased, and during the course of this year, several most trustworthy persons, known for their virtue and doctrine, have reported to this Sacred Congregation certain school manuals, still in use in the seminaries, which are worthy of censure, either for the historical and doctrinal errors they contain, or for the dangerous principles to which they are inspired, and in general, for the scientific spirit not oriented towards Christian and Catholic sentiment, and for the teachings of that supreme chair of truth, which is the See of Peter.

[*Latin ed. p. 456*]

456 Acta Apostolicae Sedis. - Official Commentary. If such manuals were to continue to pass through the hands of young people, it would be possible, from their very first steps on the path of knowledge, to compromise the formation of that eminently Catholic intellectual balance and criterion, which serves to protect the priestly spirit from weaknesses and deviations, which, unfortunately, we see so frequently occurring today. For these reasons, as the new school year approaches, this Holy See believes it is its duty to return to this serious matter and to involve the pastoral vigilance of the Reverend Ordinaries in it, on behalf of the Holy Father. This Holy See recommends, above all, that literary anthologies of prose or poetry, and those civil history textbooks, which offend the purity and sanctity of the faith, or even the profound veneration due to the Church and the Roman Pontificate, be excluded from the gymnasiums and lyceums of the seminaries. Likewise, those texts of philosophy that are contrary to the Catholic mindset, or even simply deviate from the established guidelines of the Holy See for the teaching of this discipline, such as, for example, "The First Step to Philosophy" by Luigi Ambrosi, are to be excluded. Nor is it permissible to admit them under the pretext that they are adopted in order to point out their errors and combat them: for it is a perversion of every sound pedagogical principle to lead the students down a false path, and then to bring them back and guide them on the true path, to instruct them in error, and then to establish them in the truth. Furthermore, with regard to theological schools, this Sacred Congregation intends that those texts of ecclesiastical history that "neglect or omit the supernatural aspect," which is the true, essential, and indispensable element in the annals of the Church, without which "the Church itself becomes incomprehensible" (Circ. Le Visite apostoliche), be excluded from the seminaries. Since these requirements are not met by the manuals of ecclesiastical history by F. S. Funke and F. S. Kraus, this Holy See does not permit their use in the Seminaries. This Sacred Congregation also recommends that great diligence be used in the selection of patrology texts. No one is unaware of the efforts with which rationalist criticism has attempted to destroy, or at least weaken,

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the authoritative and venerable testimony that the Church Fathers bring to the Catholic faith, torturing their writings with a meticulous exegesis, or even worse, exhausting the height of their intellect and the value of their doctrine. It is therefore necessary to preclude access to the seminary for those works of patrology that may obscure in the young and inexperienced minds the great...

[*Latin ed. p. 457*]

Sacred Congregation of the Council. 457: The idea that the Church has its own Fathers, and to select only those works which, taking into account modern culture, do not deviate from the safe standards of Catholic theology. This is not the case with the patrology manual of Rauschen, in which the doctrine of the Fathers, even on the fundamental dogmas of Christianity, is frequently presented in a manner that differs from objective truth and the understanding of the Church; therefore, the Reverend Ordinaries will take care to completely remove it from their seminaries. Finally, it reminds them of what the Sacred Congregation of Bishops and Regular Canons decreed in this regard in the General Program of Studies of May 10, 1907, namely that "the text of philosophy and theology be proposed by the Council of professors and submitted for approval to the Bishop." This rule, by order of the Holy Father, must extend to all scholastic texts of the seminaries, and therefore also of the gymnasiums and lyceums, and it is further noted that texts prohibited in the school are also prohibited for the private use of seminarians, from which will also be excluded works of consultation and erudition that are not in conformity with the criteria already stated, such as, among others, the hagiographical legends of Delehaye, and similar works. Applying these precautions, the Holy Father trusts that within the sacred confines of the seminary, only those works will be found that harmonize with the doctrine and spirit of the Church, which is absolutely necessary, so that the literary and scientific institution, instead of hindering, may contribute to the full and perfect spiritual formation of the future ministers of the sanctuary.

G. CARD. DE LAI, Bishop of Sabina, Secretary.

GENERAL DECREE CONCERNING THE MOTU PROPRIO "ABHINC DUOS ANNOS." Since Our Most Holy Lord Pope Pius X, having decreed, as He did two years ago on October 23rd, that what was decreed by the Motu Proprio "Abhinc duos annos" should be appropriately and suitably applied by this Sacred Congregation of Rites, in accordance with the vote of a special liturgical commission, this same Sacred Congregation, obedient to the will of Holiness, which deserves all due observance, has considered it necessary to declare and establish the following:

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis. - Official Commentary. I - ON HOLY DAYS

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AND FEAST DAYS, AND ALSO ON DAYS ASSIGNED TO THE LORD'S DAY. 1. Every Sunday prevents the permanent assignment of any Feast Day; therefore, both those Feasts which belong to the universal Church and those which are proper to a particular place, which have hitherto been assigned to Sundays, shall be celebrated on the fixed day of the month in which they are inscribed in the Martyrology, if that day is available; otherwise, on the first day that is possible, having regard to the observance of Sunday. However, the following are excepted: a) The Feast of the Most Holy Trinity, which remains assigned to the Sunday after Pentecost. b) The Feast of the Most Holy Name of Jesus, which shall be celebrated by all on the Sunday that falls between the 2nd and 5th of January, and, if that Sunday does not occur or is hindered by a more solemn Office, on the 2nd of that month. c) The Solemnity of Saint Joseph, Spouse of the Blessed Virgin Mary, Confessor, and Patron of the universal Church, which shall be assigned to the Thursday before the Third Sunday after Easter, and shall be celebrated on that day, together with its complete Octave, according to the Double of the Second Class, except for the Feast of Saint Joseph on March 19th. d) The Feast of Saint Joachim, which is to be celebrated on August 16th, being transferred to the following day, the 17th, which is the Feast of Saint Hyacinth. e) The Anniversary of the Dedication of the Cathedral Church, which, separately from the Anniversaries of the Dedications of other Churches in the Diocese, shall be celebrated throughout the entire Diocese on the very day of the anniversary, if that is possible; otherwise, on another fixed day determined by the Bishop, after consultation with the Cathedral Chapter, and designated once and for all. f) The Anniversary of the Dedication of a particular Church, which, likewise, if it has hitherto been celebrated on its own day by each Diocesan Church, shall continue to be celebrated on that same day; if, however, in the entire Diocese or Institute, the Dedication of all the Churches of the Diocese is customarily observed on a single day, then this [Anniversary], outside of the Cathedral Church, can only be observed in the consecrated Churches, and not in others, on a day designated by the Ordinary, as above, which day, however, must be different from the day assigned for the celebration of the Dedication of the Cathedral Church. The following is also to be observed regarding the Anniversary of the Dedication of all the Churches of a particular Order or Congregation, which has hitherto been celebrated on a Sunday, g) Feasts of Saints or Blesseds, of whom no mention is made in the Martyrology, which, nevertheless, are to be celebrated, according to the rubrics, on the day of their birth, if that is known, provided that another day has not been assigned by Apostolic Letters.

[*Latin ed. p. 459*]

Sacred Congregation of Bishops, 459 h): "Festivals which are attached to certain Sundays after Easter or after Pentecost, which once shall be assigned

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by the Ordinary, as mentioned above, on the most suitable day of the week immediately preceding.

2. Where the external Solemnity of a festival, which had hitherto been perpetually attached to a certain Sunday, is celebrated on that very Sunday, for Solemnities of the Double Class I, all Masses are permitted, except for the Conventual and Parish Masses, which must always be said according to the Office of the day; for Solemnities of the Double Class II, only one solemn or chanted Mass is permitted. The external Solemnity of the Most Holy Rosary is excepted, which may be celebrated on Sunday, October 1st, with all Masses, except for the Conventual and Parish Masses, of the Most Holy Rosary, as mentioned above for the Doubles of Class I. All Masses celebrated on these Solemnities on a Sunday must always be said as they would be on the actual feast day, with the addition of the Prayer of the Office of the day and all other things that would be said if the feast fell on that very Sunday.

However, it is forbidden to add the proper prayers in all Greater Sundays, and in other Sundays on which the more solemn Office is celebrated, than the feast whose external Solemnity is being celebrated; but in the case, except for the Doubles of Class I of the Lord's universal Church, in all Masses which would otherwise be permitted for the externally celebrated Solemnity, that prayer shall be added with a single conclusion with the first. However, if there is an obligation of a Conventual Mass, it is not permitted to add another solemn Mass in that case, but the prayer for the externally celebrated feast may be added, as mentioned above, in the Conventual Mass itself.

3. The Sundays of the 2nd, 3rd, and 4th weeks of Lent, raised to the rank of Sundays of Class I, shall never yield to a feast, nor even to a Double of Class I. However, if a Sunday occurs on the 3rd or 4th of January, and if, according to the rubrics, the feast of the Most Holy Name of Jesus or another feast of the Lord is to be celebrated on that day, and provided that no commemoration of the Lord is made, either in conjunction or in succession, then it shall be commemorated in both Vespers, Lauds, and Mass, through antiphons, verses, and the proper prayers of the Sunday within the Octave of the Nativity, but the IX Reading, Homily, nor the Gospel shall be read at the end of Mass. However, the Office of the Sunday which, after Epiphany, is followed by Septuagesima, or after Pentecost, is followed by the 24th Sunday, which must be anticipated, shall be celebrated on the preceding Saturday with the rite of a Semi-Double, with all the privileges of a Sunday, both in conjunction and in succession, to the First Vespers. Everything shall be said on the Saturday, and in the First Vespers, of the preceding Sixth day, except for the Prayer, Readings, the antiphon *Benedictus*, and the proper Mass; and after None, nothing further shall

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be done concerning the anticipated Sunday."

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis. - Official Commentary. II - ON OCTAVES. 1. The Octaves of Easter, Pentecost, Epiphany, the Most Holy Body of Christ, the Nativity of the Lord, and the Ascension are privileged, and in regard to them, if the Office cannot be fully performed, a Commemoration is always made in the Lauds, Mass, and Vespers. The Office is recited completely as on the feast day, except for those parts assigned to their proper places. In the Office, both of the day following the Octave, and of the Octave itself of any other feast, Antiphons and Psalms appropriate to all the Hours and Nocturns of the occurring day of the week are recited, and the Lessons of the First Nocturn, unless they are proper, or, if there are no Lessons from Scripture, Lessons must be taken from the feast or the Common, and recited with their proper Responsories of the Time, as will be explained below. The Octave of such a feast, even of the Lord, both on the occurring day and on the following day, yields to any Sunday. 3. Regarding the Octaves of feasts of the Second Class of the universal Church, nothing is observed except on the Octave itself, and that under the Simple Rite: so that if any Office of the Double or Semi-Double class, even if deferred or translated, or a Greater Feria or Vigil, occurs on the Octave of such a feast, only a Commemoration is made according to the Rubrics. Simple feasts occurring are commemorated in the Office of the Octave; to which also the Office of St. Mary on Saturday is subject, and in this case, it is to be omitted. The same is observed regarding the Octaves of feasts of the Second Class of any Diocese or particular Church, which, unless they are entirely omitted, are to be celebrated only on the Octave, and under the Simple Rite. 4. The Octaves of particular feasts, after the day of the Nativity of the Lord, are no longer observed. 5. The Lessons of the Second and Third Nocturns, on each day throughout the Octaves of feasts of the Second Class of the universal Church, previously assigned, are inserted in the Roman Octave; but not the Lessons of the First Nocturn, even if they are proper. III - ON THE RESPONSORIES OF THE TIME, ON THE LESSONS FROM SCRIPTURE THAT OCCUR, AND ON OTHER PARTS OF THE PROPER OFFICE. 1. In the Offices, whenever Lessons from Scripture occur, the Responsories of the Time are added to them; but in such a way that any Lessons of the Lord, even if deferred within the week and recited together with Lessons from the...

[*Latin ed. p. 461*]

Sacred Congregation of Rites. 461. On weekdays, the proper antiphons should always be recited from the First Nocturn of the Office for the day; the readings, however, if transferred or anticipated, should not be recited together with the readings of the Sunday, but should take the antiphons

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of the current weekday, in the case of weekdays within the Paschal Time which are newly arranged. However, the following are excepted: a) Readings from Scripture which occur within the Octave of a feast privileged for recitation throughout the universal Church, which are always recited with the antiphons of the Octave. b) Readings from the beginning of a Scriptural text which must necessarily be placed, according to the rubrics, in Offices which have proper or Common readings assigned, and which are recited with the proper antiphons of such Offices, if they are present; otherwise, with the antiphons of the Time, never with the antiphons of the Common. c) Readings from Scripture placed on Sundays after Epiphany, which, if transferred within the week, are recited with the antiphons of the current weekday. d) The antiphons of the Second Weekday within the First Week after Epiphany, and the antiphons of the Second Weekday within the First Week after Pentecost, which, if postponed from their proper day, are further transferred, according to the proper rubrics. 2. The antiphons which are proper for the feasts of St. Lucy Virgin and Martyr, Ss. John and Paul, and St. Clement Pope and Martyr, which are found in the First Nocturn, should be placed in the Second Nocturn, in place of the antiphons of the Common, and in the First Nocturn, the readings from Scripture which occur should be recited with the antiphons of the Time. 3. Similarly, all that is proper for the feast of St. Elizabeth Queen and Widow, except for the Invitatory, Hymn, readings of the Second Nocturn, the Versicles for both Vespers and Lauds, the antiphons for the Magnificat and Benedictus, and the Prayer, should be omitted, and in the First Nocturn, the readings from Scripture which occur should also be recited with the antiphons of the Time. 4. In the Commemoration of All Faithful Departed, the Psalms for Compline and other minor hours should not be taken from the reading of the current weekday, but proper ones should be assigned. IV. OF THE OCCURRENCE AND TRANSFER OF FEASTS, AND OF THEIR COINCIDENCE. 1. Double feasts of the first and second class, both of the universal Church and of a particular place, even if perpetually occurring, if impeded, are transferred to the first subsequent day not impeded by any Sunday or by the Vigil of Epiphany, from...

[*Latin ed. p. 462*]

462 Acta Apostolicae Sedis. - Official Commentary. to another Feast of Double rank, either of the first or second class, or by Offices of that kind respectively excluding such Feasts. These Feasts, even if of the second class, do not admit of the Commemoration of the following day within the Octave, nor of any Simple Office, even if the complete Office is to be celebrated on the following day. 2. Feasts of the greater or lesser Double rank, or of the Semi-Double rank, which are celebrated throughout the Church, if they are accidentally or permanently impeded, are not transferred, but a Commemoration is made of them according to the rubrics, and the ninth historical

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Lesson is read. However, if the Feast that impedes is a Double of the first class of the entire Church, nothing is done concerning the impeded Feast as mentioned above; but if it is another Double of the first class, a Commemoration is made only in the Compline and in private Masses, and the ninth Lesson is not read. The same is observed concerning the proper Feasts of a nation, diocese, order, or institute, which, likewise, if they are impeded on their day in any particular Church, are commemorated or omitted as above. Feasts proper to a nation, diocese, order, institute, or particular Church, which are impeded throughout the nation, diocese, order, institute, or in their particular Church, if the impediment is accidental, are likewise commemorated or omitted as above; if the impediment is permanent, they are transferred to the nearest day, except from a Double Feast, from a Semi-Double Feast, from privileged Vigils, and from Octaves of the second order, which are not impeded. Concerning such Feasts of the greater or lesser Double rank, or of the Semi-Double rank, which are permanently or even accidentally impeded, private Masses may be celebrated at the discretion of the priest, provided that the impeding Office is not a Double of the first or second class, or any Sunday, or an Octave of the first or second order, or a day of the third order Octave, or a Feria, or a privileged Vigil. This Mass is celebrated with festive rites, with the 2nd Collect of the Office of the day, and other Collects pertaining to the Commemorations that may occur. 3. Feasts which until now in the universal Church, as well as in particular places, have been celebrated under the rite of the Semi-Double rank at the discretion of the celebrant, are reduced to the Simple rite, and a Commemoration is made of them whenever they are impeded, as is done with other Simple Feasts according to the rubrics. However, the Feast of St. Canute yields to the Feast of the Holy Mary, etc., and therefore, a Commemoration is made in its Office. 4. If the patron of a place is secondary, or another proper Saint, and is described in the Calendar with other Saints, he is not separated from them, but the Feast of all is celebrated together under the rite of the greater or lesser Double rank, or of the Semi-Double rank, according to the rubrics, unless it is described in the Calendar under a higher rank. 5. When a Feast of the greater or lesser Double rank, or of the Semi-Double rank, occurs on the day of a Double Octave of the greater rank, which is not privileged,

[*Latin ed. p. 463*]

The Holy Congregation of Bishops, consisting of 463 members, decrees that, concerning the observance of feasts, a distinction shall be made according to the day of the week, specifically the day of the Octave, with the Commemoration of that Octave either omitted or added, according to the rubrics.

V. CONCERNING THE REFORMATION OF PARTICULAR

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CALENDARS.

1. In order that all that is prescribed by this decree may be duly carried out, each Ordinary, even those of Regular Orders, and the superiors general of any institutions of whatever kind that use their own calendar, shall submit a petition, according to the instructions of this Holy Roman Congregation of December 12, 1912, published in the Acts of the Apostolic See on March 1 of the present year, to the same Holy Congregation within the next month of March of the year 1914. However, those who, after the publication of the Constitution divinely inspired, have already obtained the reformation of their own calendars, shall receive a new one from this Holy Congregation, without any expense.

2. In this reformation of calendars, besides those things which have been determined above concerning feasts which were formerly attached to Sundays, the following norms shall be observed:

a) The anniversary of the dedication of the cathedral church, even where it has hitherto been customary to celebrate it on a fixed day together with the dedication of other churches, shall be celebrated separately, according to the decrees above concerning such anniversaries formerly attached to the day of the week.

b) Proper feasts, unless otherwise determined by Apostolic Letters, shall be celebrated on their own natal day, if it is known; otherwise, they shall be placed on a day that is free in the calendar.

c) Two or three saints who are included under the same Common Office, if they occur on the same day and are to be celebrated according to the same rite, shall be commemorated with a single feast, using the parts of the Common Office that are assigned to several saints of the same quality, and with the historical readings of the Nocturn, which, however, shall be submitted to this Holy Roman Congregation for approval. The same rule shall be observed for the feasts of the same Common Office that are to be transferred from previous days.

d) The feasts of Saint Bartholomew the Apostle and Saint Louis the King, shall be assigned, in all calendars, including the Roman calendar, on the fixed days of August 24 and 25, respectively, notwithstanding any custom or privilege. Where the external solemnity is celebrated on the 25th and 26th respectively, on these days, a single Mass, either sung or read, pertaining to that solemnity is permitted, as has been established above for feasts formerly attached to the day of the week.

e) The privilege enjoyed by some dioceses or institutions, namely, to conform their calendar to that of the Roman Clergy, or to that of some Order or Congregation, and other similar privileges, shall be entirely abolished.

[*Latin ed. p. 464*]

Acts of the Apostolic See. - Official Commentary. 464 All of these matters,

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having been reported to our most holy Lord Pope Pius X in an audience on the 26th day of the present month of October, by the undersigned Secretary of this Congregation for Religious Affairs, His Holiness deigned to approve them, and ordered that they be observed by all. Furthermore, considering the well-being, especially of poor clerics, with Apostolic benevolence, His Holiness permits that these, at the prudent discretion of the Bishop, may continue to use the Breviaries which they are presently using, without the addition of a new book, provided that, according to the prescriptions of the rubrics, they strictly observe the new psalterial order. Contrary provisions notwithstanding. October 28, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. ® S. fPetrus La Fontaine, Bishop, Secretary. APOSTOLIC VICARIATE OF NOVA POMERANIA. NULLITY OF MARRIAGE (TO BAI - JA MÁMALE). During the blessed reign of Pope Pius X, in the tenth year of his pontificate; on April 30, 1913, the Most Reverend Fathers, Doctors Seraphinus Many, Ponens, Franciscus Heiner, and Ioannes Prior, Auditors, in the case of the Apostolic Vicariate of Nova Pomerania - Nullity of marriage, at the request of the Defender of the Bond for the aforementioned vicariate, appealing against the judgment of the vicariate, and acting jointly for the nullity of the marriage of both spouses, To Bai and Ja Marnale, represented by their official procurator, the Reverend Carmel Conte, lawyer, with the intervention and argumentation of the Substitute Defender of the Bond ex officio, rendered the following final judgment. On September 24, 1906, Eugenius To Bai and Rosa Ja Marnale were married in the mission church before the Reverend Father Van Berkel, missionary, and two witnesses. According to the custom of the region, Rosa had been purchased from relatives of Eugenius, with the intervention of the indigenous judge To Kaaga. From the date of purchase until the day of the marriage celebration, that is, for four months, Rosa, when repeatedly questioned, and not without reprimands and admonishments, about her consent to the marriage with Eugenius, remained silent. However, the day before the marriage, and during the marriage celebration itself, she sufficiently consented.

[*Latin ed. p. 465*]

Saint Bomana Bota, number 465, was married. However, this marriage had unfortunate consequences. Not long after, Rosa fled from the home of Eugene; indeed, she joined another man, whom she later abandoned. Consequently, the Reverend Vicar Apostolic sent letters, first on July 4, 1907, and then on April 8, 1909, to the Holy Congregation for the Propagation of the Faith, requesting either a declaration of the nullity of the marriage, or a dispensation in the valid but unconsummated marriage; the Holy Congregation referred the matter to the Holy Congregation for the Sacraments, recently established under the blessed reign of Pope Saint Pius X; the Reverend Secretary of this Congregation ordered that a canonical process be conducted by the Vicar Apostolic regarding the aforementioned nullity of

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the marriage. Indeed, the process was carried out by the Reverend John Dicks, pro-vicar, duly delegated by the Vicar Apostolic; and, on August 12, of the year 1911, a judgment was issued, containing these words: "Considering all the circumstances, it is certainly established that Ja Marnale never intended to enter into a marriage. Internal consent was entirely lacking; or, if it was present, it was invalid due to the impediment of fear. Furthermore, the marriage was never subsequently perfected by signs of conjugal love or any other expression of consent. Therefore, to the question of whether it is certainly established that the marriage between To Bai and Ja Marnale is null due to a lack of consent on the part of the woman, the answer is affirmative." Against this judgment, the Defender of the Bond appealed to the Holy See. Consequently, the records of the process were sent to the Holy Congregation for the Sacraments, which referred the case to the Holy Rota. Therefore, in the *H. S. O.*, as is customary, the question is raised: Does the nullity of the marriage in this case appear to be established? It should be noted that the judge of the first instance, in the aforementioned judgment, defined three things: "1) that internal consent to the marriage, on the part of the bride, was entirely lacking; 2) that, if it was present, it was invalid due to the impediment of fear; 3) that the marriage, thus invalidly contracted, was never subsequently perfected by signs of conjugal love, or any other expression of consent." Indeed, these three points exhaust the present case; and these are now the points to be discussed. As far as the law is concerned, the principles of law in the present matter are well known. It is said in chapter Cum locum, 14, concerning betrothals: "Marriage is contracted solely by consent"; and in chapter Cum apud Sedem, 23, of the same title: "Consent alone is sufficient for marriage of those concerning whose union it is treated"; and in chapter Tuae fraternitati, 25, of the same title: "Marriage is truly contracted by the legitimate consent of both man and woman. This consent is so necessary..."

[*Latin ed. p. 466*]

466 Acta Apostolicae Sedis. - Official Commentary. "Furthermore, if only this [internal consent] is lacking, even if all the other essential elements and even the act of copulation are present, "there is no marriage." Thus, Innocent III states in chapter *Tuas dudum*, 5, concerning the case of *Sponsa duorum* (a woman betrothed to two men): "After legitimate persons have legitimately agreed in the present, which is sufficient in such cases according to canonical sanctions, and if this alone is lacking, the other elements, even if accompanied by copulation, are rendered void; if the persons joined together legitimately later, in fact, enter into a marriage with others, that which was previously done in law cannot be annulled." This internal consent, as is evident, must be sufficiently manifested through signs or words; for in human contracts, the intention of the mind cannot operate without expression.

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2. Although there may be some internal consent present in the matter of marriage, nevertheless, if it arises from grave fear, the marriage is null. The relevant chapters in this regard are *Cum locum*, 14; *Veniens*, 15; *Consultationi tuae*, 28, concerning betrothals, from which the canonical theory is derived, which is accepted by all, and which teaches, at least in ecclesiastical law, that fear is an impediment that dissolves marriage, if it is grave, even if only relatively so, unjust, and imposed in order to extort matrimonial consent. This must be extended to reverential fear, that is, to the fear by which we dread the indignation of him in whose power we are, provided that something else is added, e.g., urgent and insistent prayers, quarrels, vexations, etc., so that the fear is truly grave. Indeed, in such cases, the Holy See, both in ancient times and since its restoration in 1908, has repeatedly declared marriages to be null, e.g., in *Parisien. Nullitatis Matrimonii*, dated February 26, 1910; in another *Parisien. Nullitatis Matrimonii*, dated March 13, 1911, etc., etc.

3. It must be noted that the lack of consent, whether it is the case that there is absolutely no consent, or whether the consent is vitiated by fear, can subsequently be remedied, and thus the marriage can be validated, through the expression of true consent, or even through tacit or implied consent. Tacit or implied consent is present in two ways, as foreseen by law, namely, through long and peaceful cohabitation, or through freely accepted intercourse. Cohabitation is discussed in chapter *Ad id*, 21, concerning betrothals, in which we read: "Although she was initially given to him unwillingly and resisting, nevertheless, because, after a year and a half of cohabiting with him, she appears to have consented, her testimony must be considered in this light; and no witnesses should be received who the aforementioned woman may name to prove that she did not consent, because such a long delay excludes such proof." We are speaking of peaceful cohabitation, as is evident, and as is commonly taught by Doctors. Concerning freely accepted intercourse, we speak in chapter *Insuper*, 4, *Qui matrimonium accusare possunt* (Who can accuse a marriage).

[*Latin ed. p. 467*]

Saint Roman Code, 467, in which these words are found: "As, before a legitimate consent (which is considered over twelve years), it was possible to dissent, so after, with the legitimate time having passed, even a carnal union, by the ratification of silence, does not leave any doubt that she has indicated her consent regarding this." It is indeed true that, in places where the decree of Trent had been promulgated, it was not always sufficient for a peaceful cohabitation or a free union to heal the consent, but it was necessary for the consent to be renewed in the Tridentine form (at least where there was a defect in consent, e.g., due to fear, publicly); but in places where the decree of Trent had not been promulgated, according to the law of the Decretals, a long and peaceful cohabitation, or a free union, was

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always sufficient to heal a vitiated consent, even without a public renewal of consent. As for the facts, the following can be deduced from the records of the process: I. It is difficult to assert that, on the part of the bride, Rosa Ja Marnale, there was a complete lack of internal consent to the marriage with Eugenio To Bai. Indeed, for about four months, from the day of the betrothal to the day of the marriage celebration, Rosa, when questioned about her consent, remained silent. But the day before the marriage, as the judge of the diocese reports, when he and the missionary, Father Van Berkel, were together with Rosa, the matter of the upcoming marriage was discussed, and Rosa, after being questioned several times by the missionary, and having initially remained silent, finally gave an affirmative sign, without uttering a word. Likewise, on the day of the marriage, in the very church, she gave an affirmative sign; as Father Van Berkel states: "During the marriage celebration, I questioned her again, and she did not give a response. But when I told her: 'If you do not respond, you cannot enter into the marriage,' she emitted a sound, not a clearly articulated word, which, however, I believed to be a sign of consent to the marriage." Indeed, Rosa herself interpreted this inarticulate sound as consent to the marriage; she said: "When questioned in the church, I initially remained silent; then, out of reverential fear, lest I offend the missionary, I gave my consent... I did not want To Bai, but I was led to consent out of reverential fear." Therefore, since Rosa herself admits that she consented to the marriage, however late this consent may have been, and although it was given with great reluctance, and under the influence of fear, as we will say below, nevertheless, it was consent. II. However, here, the consent was vitiated by sufficient fear to invalidate the marriage. It should be noted first of all the deplorable manner in which this marriage was concluded, namely, through the purchase of the girl; the relatives of Eugenio purchased the girl from her parents, and, what is worse, they seduced the girl; hence, all the witnesses present testify to this fact.

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis. - Commentarium Officiale. act, namely, that the Rose was sold unknowingly to the relatives, as if she were a thing which imposed a special burden upon the girl. From this, the presumption immediately arises that coercion was exercised upon the girl; for it is entirely likely that those who bought and sold her without her consent, in every way contrived, even against the girl's will, that the purpose of the purchase be achieved. And this is what actually happened. After the purchase was concluded, Rose was taken to the relatives of Eugenius, and she remained with them until the day of the marriage, while Eugenius was staying with the missionary. During this period of time, the relatives of Eugenius questioned Rose about her consent to the marriage; but, since she gave no answer, they invited the magistrate and the local judge, named To Kaaga,

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to persuade Rose to consent; and this is what he explicitly states: "I have been invited, very often, to... Ja Marnale, after the purchase, but before the marriage 'contracted' in the church, to bring her to consent. I have often rebuked her, and threatened her with blows, with the intention of making her enter into the marriage. The day before the marriage was celebrated in the church, I, and Father Van Berkel, and Ja Marnale, spoke about the marriage in this room. The aforementioned missionary questioned her several times; she remained silent; but, finally, she gave a sign of assent; she did not speak. It is clear that Ja Marnale was brought to consent out of fear." On his part, Father Van Berkel testified as follows: "From the day of the purchase to the day of the celebration of the marriage in the church, there were approximately four months. I questioned her several times as to whether she wished to have To Baiali as her husband, but she gave no answer. During the very celebration of the marriage, I questioned her again, and she gave no answer. But when I said to her: 'If you do not answer, you cannot enter into the marriage,' she emitted some inarticulate sound, which I nevertheless believed to be an assent to be married." Thus, for four months, Rose was questioned about her consent to the marriage by the relatives of Eugenius, by the local judge, by the missionary; indeed, she was positively and expressly urged to consent by the aforementioned judge, who repeatedly rebuked her who remained silent, and threatened her with blows; and these threats were certainly too serious, given the customs of the ethnic people of this region. Despite all this, Rose gave no answer, but maintained a continuous silence; which was soon learned by the neighbors and inhabitants of the place, so that it became known that Rose did not consent to the marriage with Eugenius To Bai; and this is what thirteen witnesses unanimously testify, of whom one, namely the aforementioned judge, testifies to the notoriety of the fact: "It is a matter of public knowledge," he says, "that Ja Marnale did not want her husband, nor did she have any carnal intercourse with him." And this resistance of Rose persisted until the end, namely, until in fine.

[*Latin ed. p. 469*]

St. Boman Bota, aged 469, concerning marriage. It is indeed true that, on the day before the marriage, Rosa, so burdened by questions and reproaches, gave a positive sign, as we heard from the local judge and the missionary father; but the value of this sign soon became apparent; for during the very celebration of the marriage, Rosa, again questioned by the Father, remained silent, and only after the missionary uttered the words: "If you do not answer, you cannot enter into marriage," did she emit a certain inarticulate and doubtful sound, which the missionary, however, believed to be a sign of affirmation. This clearly shows that Rosa remained in her opposition until the hour of the marriage, and barely emitted that inarticulate sound, in order to finally free herself from so many questions

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and vexations. Therefore, it must be said that Rosa did not give this apparent consent except, at the very least, out of reverential fear. For she felt, or at least believed, that she was displeasing to all, namely, her own parents, who had sold her into slavery, and, as was fitting, desired the marriage; and to the relatives of Eugenius, who had bought her, and who had often invited the local judge to consider the matter; and to this very judge, who was harassing her with so many reproaches and threats; and even, as she thought, to the missionary himself, who was subjecting her to so many questions. Furthermore, Rosa did not believe that any other outcome was possible for her, except for consent to the marriage; for she believed that, once the aforementioned purchase had been made, she was not free to consent or not to consent; for no one had told her that she was free, not even the missionary, as she herself clearly stated: "Never before the marriage was begun did the missionary say to me: 'You are completely free; if you do not wish to marry, no one can force you; but if you give your consent, you will be bound.'" "But he did not speak to me in this way. Rather, I was led to consent out of reverential fear." Therefore, Rosa, fearing the blows that the careless judge had threatened her with, fearing her own parents, the relatives of Eugenius, the aforementioned judge, and even the missionary father himself, and fearing the grave indignation that might arise from this, and believing that she had no other escape, and that she had no one to whom she could turn, since she even considered the missionary to be displeased with her, Rosa, I say, so burdened by these anxieties, emitted that inarticulate and doubtful sound, as mentioned above. Therefore, there can be no doubt about the reverential fear, and the gravity of it. This conclusion becomes even more certain and evident if we consider that this concerns a timid girl, left alone, and as it were, in a state of the wild, that is, without education, without industry, without studies, and who can rightly be compared to a girl of 11 or 12 years of age; for, in these regions, as far as the indigenous people are concerned, their minds are so little cultivated that neither...

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis. - Official Commentary. civil, nor ecclesiastical superiors, would deem it fitting for them to take an oath; as is testified by the Reverend Dicks, apostolic pro-vicar, and the Reverend Apostolic Vicar: "It must be noted," he says, "that the indigenous people of this region do not appear to be suitable for taking an oath, nor are they admitted to serve as magistrates in the civil administration." And the Apostolic Vicar: "Given the intellectual and moral inferiority of our indigenous people, we did not deem it prudent to have indigenous witnesses swear oaths in this trial." Therefore, as has been said, Rosa Ja Marnale can be compared to a girl of 11 or 12 years of age, and therefore, the aforementioned fear, although perhaps not serious for other regions, was certainly serious for Rosa. And

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all that has been said about the fear is sufficiently proven from the Acts of the trial. In this matter, besides Rosa herself, there are two witnesses who are certainly older, namely, the indigenous judge who participated in the very purchase, and in all the attempts made to extort Rosa's consent; and he openly states: "I often rebuked her, and threatened her with blows, with the intention that she would enter into marriage..." It is clear that Ja Marnale was led to consent out of fear. The other is the missionary, Father Van Berkel, who knew this whole affair, the betrothed, and both families, and who, collecting in his memory everything he had seen, heard, and done, and everything that followed after the marriage, said, under oath: "From what happened afterwards, I am convinced that Ja Marnale did not truly give her consent, because she did not want To Bai to be her husband, and even if she had given external consent, that consent would have been null because of the grave fear of her parents and relatives." The testimonies of these two witnesses are confirmed by two other witnesses, To Dit and Ja Virna, who heard about the anger and threats of the indigenous judge; indeed, they are confirmed by nine or ten other witnesses, who unanimously testified that Rosa did not want the man; from this, it is rightly concluded that, if she consented to the marriage in any way, she did not consent except out of fear. And if, with regard to the trial in this case and the evidence presented there, something is lacking in that rigor which is usually required in this sacred Tribunal, especially in cases involving marriage, this must be attributed to the many obstacles, due to the persons and places involved, which prevent ecclesiastical judges from proceeding according to all the laws and norms prescribed by the Holy See. Therefore, even with these defects, the Rules of the Holy Office, par. 113, wisely provide: "In investigating matrimonial causes which are brought before tribunals in mission territories, even if the prescribed norms have not been observed..."

[*Latin ed. p. 471*]

The Roman Rota. 471 "and the rules prescribed in the Instructions given by the Holy See for this purpose, provided that the facts in dispute are sufficiently established and the essential forms of judgment are observed, and provided that the defender of the bond has not been lacking, can lead to a definitive judgment." Furthermore, as has been seen above, the facts in dispute are sufficiently established here, and moreover, the defender of the bond was not lacking, who, as much as he could, attended the judicial sessions, and after a judgment of nullity of the marriage was pronounced, he interposed an appeal to the Holy See. III. Finally, the defect of consent vitiated by fear was not remedied after the marriage. For, as has been said in the exposition of the law, this defect cannot be remedied except by a newly expressed consent, or by a tacit or implied consent, which, of course, is presumed from a long and peaceful cohabitation or from a freely consummated marriage. However, in our case, there is no question of a newly

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expressed consent, of which not even a trace exists in the records. Nor can there be a question of a free consummation or of a long and peaceful cohabitation. For, with regard to the consummation, both spouses affirm that the marriage was not consummated. To Bai said: "The woman was brought there. Whether I was able to bring her there so that we might have intercourse. Several times, when she was sleeping in a corner of the house, I approached her, but when I was about to consummate the intercourse, she woke up and repelled me; thus, neither freely nor forcibly did intercourse ever take place. Several times, Ja Marnale fled. To Miera and Ja Pipit, the spouses in the place of Bai, know that this is the case." Also, Rosa said: "A few weeks after the beginning of the marriage, when the dwelling was built in the place of Bai, I lived in the same house with To Bai; but I never consummated the marriage, I always denied the marital act. Several times, at night, when I was sleeping in a corner of the house, To Bai tried to consummate the intercourse, but I always woke him up and repelled him. Afterwards, however, I was completely separated from To Bai, and I was given in marriage to another man, named Tabu, with whom I also had intercourse, but now I am separated from him. Before the intercourse with Tabu, I was still a virgin in body." This assertion of the spouses is confirmed by many witnesses, who say that Rosa did not want her husband, and that she denied him the marital act, and that she fled from the marital home several times; but especially, this assertion is confirmed by the indigenous judge To Kaaga, who said: "It is a matter of public notoriety that Ja Marnale did not want her husband, and that she did not have carnal intercourse with him," and by the missionary of the place, Father Van Berkel, who testifies: "Afterwards (that is, after the marriage was celebrated), To Bai and Ja Marnale never, in

[*Latin ed. p. 472*]

472 Acta Apostolicae Sedis. - Commentarium Officiale. "Quantum scio, inter se mutuò signa amoris coniugalis dederunt. To Bai "autem pluries de Ja Marnale apud me conquestus est, utpote quae "semper debitum renueret. Quae res a vicinis eorumdem mihi confir mata est." Quantum ad cohabitationem, nec pacifica fuit, nec longa: non pacifica, quia, cum Rosa semper debitum recusaret, virumque repellerei, non erat inter eos animorum consensio; non longa, quippe quae vix aliquot menses duraverit. Cum enim matrimonium celebratum fuerit die 24 septembris anni 1906, et cohabitatio non inceperit nisi post aliquot hebdomadas, donec domus habitationis exstructa fuerit, iam Rosa separata erat, et quidem a longo tempore, die 4 iulii anni 1907, quando scilicet Rmus Vicarius apostolicus primam epistolam hac de re scripsit ad S. Sedem. Nec contra supradicta de copula et de cohabitatione difficultatem facit ille "rumor publicus" de peracta copula, de quo rumore loquitur Vicarius apostolicus in suis epistolis diei 8 aprilis 1909 et 11 iulii 1912. Hic enim

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rumor non erat publicus nec ullo modo fundatus, uti ostendit idem Vicarius apostolicus in citata epistola diei 11 iulii 1912, et ut apertius demonstrant Acta processus supra relata, praesertim testimonia iudicis indigenae, missionarii, et vicinorum, qui totum negotium optime noverant. Tenendum ergo est Rosam defectum sui consensus in matrimonium cum Eugenio non sanasse per copulam aut cohabitationem. Ceterum, quod omnem difficultatem hac in re trunca!, ut sponsus consensum suumsanare possit et matrimonium revalidare, necesse omnino est ut hic sponsus probe sciat matrimonium suum fuisse nullum; secus quidquid facit, vel cohabitando, vel etiam copulam habendo, praesumitur factum vi prioris consensus invalidi, et ita nequaquam haberi potest uti signum novi et validi consensus; quod clarissimum est; et ita docent, inter alios, Reiffenstuel, in tit. de Sponsalibus, n. 337; Sánchez, de Matrimonio, libro II, disput. 34; libro IV, disput. 18, n. 15; Gonzalez, in cap. Ad id, de Sponsalibus; S. Alphonsus, libro VI, n. 1114; Wernz, Ius matrimoniale, n. 268 (edit. 1904), etc. Porro certissimum est Rosam, toto tempore cohabitationis suae cum Eugenio, non dubitasse de valore sui matrimonii; haec enim puella, in statu quasi silvèstri constituta, theologiam non noverat, et semel dato in ecclesia consensu, se putabat ligatam cum Eugenio; unde et quamdam cohabitationem cum illo instituerit non dubitavit. Quibus omnibus consideratis et sedulo perpensis, Christi nomine invocato, Nos infrascripti Auditores de turno, pro Tribunali sedentes et

[*Latin ed. p. 473*]

Most Holy Father, having God alone before our eyes, and having confirmed the judgment of the Apostolic Vicariate of Nova Pomerania, we declare, we decree, and we definitively pronounce: That the marriage between Eugene To Bai and Rosa Ja Marnale is null, and thus we respond affirmatively to the proposed doubt. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to which it pertains to enforce this judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reform, of the Council of Trent, employing those executive and coercive means which shall appear more effective and suitable for the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 30th of April, 1913. Seraphinus Many, Prefect. Franciscus Heiner. Ioannes Prior. From the Chancery, on the 16th of May, 1913. Rev. T. Tani, Notary. SECRETARY OF THE STATE LETTER. I. TO THE Most Reverend Father IULIANUM G. CONAN, Archbishop of PORTUS PRINCIPIS, out of filial veneration, concerning the spiritual exercises of the clergy of his own Archdiocese and of the Diocese of GONAYVESENSIS, presented to the Most Blessed Father in writing.

Monsignor, The Sovereign Pontiff was deeply moved by the beautiful and pious address that Your Eminence sent to him, on behalf of the clergy

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of the Archdiocese of Port-au-Prince and the Diocese of Les Gonaïves, gathered for the exercises of the ecclesiastical retreat. The Holy Father has long known the sentiments of profound faith, fidelity to the Holy See, and zeal that animate the clergy of Haiti. He was pleased to find their expression in this noble address, and He grants to you all...

[*Latin ed. p. 474*]

474 Acta Apostolicae Sedis. - Commentarium Officiale. to the heart, and also to your venerable colleague from Cap-Haïtien, to all your priests, and to all your diocesans, a most affectionate apostolic blessing. I seize this opportunity with eagerness, to renew to you, Monsignor, the assurance of my most devoted sentiments in N.S. On September 23, 1913. R. CARD. MERRY DEL VAL. TO THE ILLUSTRIOUS M. GERLIER, PRESIDENT OF THE CATHOLIC YOUTH ASSOCIATION OF FRANCE, AND TO THE OTHER GENTLEMEN OF THE GENERAL COUNCIL OF THE SAME ASSOCIATION, FOR THE GRATIARUM ACTION, IN RECOGNITION OF THE MOST LOYAL LETTERS PRESENTED TO THE AUGUST POPE ON THE OCCASION OF THE FEDERAL PILGRIMAGE OF CATHOLIC YOUTH OF FRANCE. Gentlemen, Our Holy Father, Pope Pius X, who has deigned to admit you into His august presence, has been pleased to extend His blessed hand upon your ranks. He entrusts to me the very pleasing mandate to tell you of the profound joy He felt, in contemplating so many members of the Catholic Youth Association of France at His feet, and in receiving with paternal benevolence the expression of your filial veneration, absolute obedience, and unwavering devotion. Already, two years ago, on the twenty-fifth anniversary of the founding of your Association, His Holiness bestowed encouragements and praise upon your admirable movement of French Catholic Youth. Today, before the fruitfulness of your action and the chivalrous zeal that distinguishes it, the Sovereign Pontiff salutes your Association as a great hope for the Church and for your homeland. He congratulates you for bravely marching forward, faithful to your program, which is to work for the regeneration of Christian society through piety, study, and action. Your works, performed with discipline and with affectionate obedience to the Bishops and to the chaplains who act in their name among you, will be both answers and remedies: answers to error and to anti-religious passion, and remedies for the evil that invades.

[*Latin ed. p. 475*]

Secretariat of State. 475 of all places. You effectively combat sacrileges perpetrated, which increasingly seek to substitute the rights of man for the rights of God, and in particular, to violate that sacred right which forms the basis for the instruction of all levels, namely, the precepts of the Religion. You combat deceptive social utopias and the insidious breath of liberalism, which insinuates falsehood under a thousand varied forms. The Holy Eu-

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charist infuses the divine Blood of Christ into your veins: you could not have chosen a more effective means to maintain yourselves at the height of your noble ambitions. Through it, you will be apostles in your families, in your parishes, in your study groups, in your charitable works, in your workshops; apostles in your Catholic universities and colleges, as well as in all the flourishing of your charitable endeavors. The Holy Father knows how many among you exercise, within their sphere, an apostolate close to the priesthood. He particularly felicitates those of your members who, in order to offer a more complete sacrifice to God and to the Church, enter the ranks of the clergy, enter religious orders, or enlist in the ranks of your valiant missionaries. United in the efforts that bring you together under the banner of the Cross, you desire to have but one heart and one soul. Act with vigorous and brilliant faith, without mingling with your work of Christian restoration concerns foreign to your Christian apostolate. March with courage under your august banner, echoing the unanimous cry of your ancestors: "God wills it! God wills it!" As a pledge of his paternal affection, the Holy Father grants to all of you, present and absent, the apostolic blessing. He blesses you, and your families. He blesses your Bishops, your first leaders, and the chaplains whom the Bishops entrust with guiding and enlightening you. He blesses the President of your Association, who has reached the end of his term, and the new President elected by your votes. May both be assured of the particular benevolence of His Holiness. I am pleased to seize this new opportunity to personally assure you, gentlemen, and all the members of the French Catholic Youth Association, of my just admiration and my complete devotion in Our Lord. Rome, September 24, 1913. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 476*]

Acts of the Apostolic See. - Official Commentary. 476 III. TO REVEREND FATHER CORBILLÉ, PRESENTING THE "BENEMERENTI" MEDAL OF THE CATHOLIC YOUTH ASSOCIATION TO MR. HENRY GALLIC, OF GERLIER.

My Reverend Father, it gives me great pleasure to inform you that the Supreme Pontiff, wishing to give a sign of his high regard to the esteemed President of the French Catholic Youth Association, for his zeal in the exercise of his delicate duties and for the success of the magnificent pilgrimage of the Association on the occasion of the Constantin Jubilee, has been pleased to award Mr. Henry Gerlier the Benemerenti medal.

Entrusting you, my Reverend Father, with the task of presenting this precious token of the Holy Father's esteem and affection to your dear President, I ask you to offer him my personal congratulations and to be assured of my devoted sentiments in Our Lord.

Rome, September 25, 1913.

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R. CARD. MERRY DEL VAL.

IV. TO REVEREND FATHER VICTORIANUM TIUM, WHO, THEREFORE, SENT A COPY OF HIS PASTORAL LETTER TO THE MOST BLESSED FATHER AND MR. MENENDEZ, ARCHBISHOP OF PASTORAL LITERATURE, VALENCIA, AS A SIGN OF DEVOTION.

According to the desire expressed by Your Eminence in your letter of September 16th of this year, I have hastened to present a copy of the Pastoral Letter, which you, on this occasion of the sixteenth centenary of Constantine, addressed to the clergy and the faithful of your archdiocese, treating very appropriately of the "liberty of the Church," which, in our day, is more than ever trampled upon, to the august hands of the Holy Father.

His Holiness, graciously accepting this token of veneration and affection, was pleased with the commendable zeal that Your Eminence displays in upholding and defending the most sacred rights of the Church and the Papacy; and, together with heavenly rewards, He invokes grace for you.

[*Latin ed. p. 477*]

Secretariat of State. With the most efficacious and fruitful blessings, I impart from the heart the requested Apostolic blessing, which I gladly extend to the entire archdiocese. As I add my personal thanks for the other copy of the same Pastoral Letter kindly sent to me, I take this opportunity to reaffirm my sincere esteem for Your Eminence. Rome, October 1, 1913. Your true servant, R. CARD. MERRY DEL VAL. TO THE MOST REVEREND FATHER FRANCIS M. GIEURE, BISHOP OF BAYONNE, ON THE OCCASION OF THE UPCOMING CONGRESS OF SACRED MUSIC. Monseigneur, The Sovereign Pontiff was greatly pleased to learn that Your Eminence intends to hold, during the coming month of November, a Congress of Religious Music, during which conferences and performances will be given to recall the teachings of the Holy See and to illustrate them with examples. Nothing is more fitting to support the movement of restoration of liturgical chant and religious music, which has received from the Holy Father, from the beginning of his pontificate, such a strong impetus, and which, especially in France, is spreading more and more with such remarkable success. Therefore, it is with all my heart that His Holiness blesses in advance the work of the Congress and all those who will participate in it, confident that, under the wise and prudent guidance of Your Eminence, the most laudable goal that you propose will be achieved to the great advantage of the true splendor of divine worship and the edification of the Christian people. With my personal wishes for the complete success of your Congress, I beg you, Monseigneur, to accept the assurance of my most devoted sentiments in Our Lord. Rome, October 4, 1913. R. CARD.

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MERRY DEL VAL.

[*Latin ed. p. 478*]

Acts of the Apostolic See. - Official Commentary. 478 VI. TO THE MOST REVEREND CARDINAL ARCO VERDE DE ALBUQUERQUE CAVALCANTI, ARCHBISHOP OF S. SEBASTIAN OF FLUMINIS, concerning the letters presented to the Most Blessed Father on the occasion of the pilgrimage of Catholics from BRASILIAE. I have the agreeable and honorable task of informing Your Eminence that the Holy Father was greatly pleased by the noble Address which Your Eminence presented to him, on the occasion of the recent Brazilian pilgrimage to Roma, on behalf of the episcopate, the clergy, and all the Catholics of Brazil. The sentiments of veneration and affection expressed in the aforementioned Address, and the invocation made by Your Eminence of the glorious memories of centuries past, which are solemnly commemorated this year throughout the Catholic world, were pleasing and comforting to the heart of the august Pontiff, who learned with pleasure how the Brazilian people have responded with fidelity and enthusiasm, even in this circumstance, to the invitation of the common Father of the faithful, demonstrating openly that they rightly consider it their greatest glory to be the people of the Holy Cross. Furthermore, the generous offerings made for the noble purpose of providing the Apostolic Nuncio of Brazil with a proper and worthy seat, befitting the Vicar of Jesus Christ whom he represents, and the Catholic nation that welcomes him with devotion, are truly, in this year commemorating Constantine, a lasting monument to the piety that highly honors the Brazilian people. With particular benevolence, therefore, His Holiness thanks Your Eminence for this devoted and filial tribute, and, while rejoicing in the prayers and wishes offered there continuously, that peace and justice may soon shine forth among the peoples, imparts from the heart to Your Eminence, to the archbishops, to the bishops, to all the priests and faithful of Brazil, the Apostolic Blessing, accompanied by the most abundant and excellent graces of Heaven. I am pleased to take advantage of this opportunity to renew to Your Eminence the testimony of the profound veneration with which, humbly kissing your hands, I have the honor to declare for Your Eminence. Roma, 11 October 1913. Your humble and devoted servant, R. CARD. MERRY DEL VAL.

[*Latin ed. p. 479*]

Diary of the Roman Curia. 479 DIARY OF THE SECRETARY OF STATE OF THE ROMAN CURIA. APPOINTMENTS. By Letters of the Secretary of State, the Holy Father deigned to appoint: October 11, 1913. — His Eminence Cardinal Lewis Billot, Protector of the Religious of the Congregation of Jesus and Mary. October 20. — The same His Eminence Cardinal Billot, Protector of the Pontifical Latin-American College. By Apostolic Briefs, the

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Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: September 13, 1913. — Monsignor Gioacchino Mamede da Silva Leite, of the diocese of Campinas. October 4. — Monsignor Giona Cueco de Araujo Batinga, general vicar of the diocese of Alagôas. — Monsignor Giovanni Gonçalvez da Cruz, president of the municipal council of Bahia. October 7. — Monsignor Gustavo Müller, canon and custodian of the metropolitan church of Vienne. — Monsignor Ferdinando Vimmer, canon and scholastic of the same church. Domestic Prelate of His Holiness: October 7, 1913. — Monsignor Ferdinando Vockenhuber, spiritual advisor and assessor of the episcopal consistory of Secovia. By Letters of the Secretary of State, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: August 8, 1913. — Monsignor Enrico Giuseppe Taskin, president of the grand seminary of the diocese of Harlem. September 15. — Monsignor Domenico Maggio, of the diocese of Vicenza. September 16. — Monsignor Lorenzo Conforti, of the diocese of Brzesc. September 17. — Monsignor Giovanni Grippel, of the archdiocese of Vienne. September 21. — Monsignor Marco Asctich, of the archdiocese of Antivari. September 26. — Monsignor Ferdinando Ferrari, of the diocese of Guastalla. — Monsignor Giuseppe Bertazzoni, of the same diocese. October 5. — Monsignor Giuseppe Maurizio da Rocha, of the diocese of Alagôas.

[*Latin ed. p. 480*]

480 Acta Apostolicae Sedis. - Official Commentary. Honorary Chamberlains in the peacock blue attire of His Holiness: July 28, 1913. — Monsignor Emilio Mazzari, of the archdiocese of Brindisi. September 17. — Monsignor Francesco Hiessberger, of the archdiocese of Vienne. September 19. — Monsignor Martino Köllen, of the archdiocese of Koln. — Monsignor Riccardo Bertram, of the same archdiocese. — Monsignor Giuseppe Drammer, of the same archdiocese. — Monsignor Floriano Rittig, of the archdiocese of Zagreb. — Monsignor Giovanni Barle, of the same archdiocese. September 25. — Monsignor Ambrogio Scholtz, of the diocese of Ancud. — Monsignor Gabriele Flores, of the same diocese. Honorary Chamberlains outside of Rome: August 9, 1913. — Monsignor Carlo Pauczek, of the archdiocese of Vienne. September 25. — Monsignor Francesco Bohle, of the diocese of Ancud. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of Saint Sylvester, with plaque: September 30, 1913. — To Mr. Hilarión Moreno, first secretary of the Argentine Legation at the Holy See. The Order of Saint Gregory the Great, civil class: October 7, 1913. — To Mr. Giuseppe Krings, of the archdiocese of Koln, public notary and royal counselor of justice. The Order of Pius: September 16, 1913. — To Mr. Tibor de Pözel, Austro-Hungarian vice-consul and regent of the consulate of Prinzren. The Order of Saint Gregory the Great, civil class: September 26, 1913. — To Mr. Giuseppe Lacroix, of the diocese of Nîmes. NECROLOGY. October 5, 1913. — Monsignor Giuseppe Foschiani, Bishop

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of Belluno. October 9. — His Eminence Cardinal Gregory Maria Aguirre y Garcia, Archbishop of Toledo, Patriarch of the West Indies. October 22. — Monsignor Ernesto Kutrovatz, titular Bishop of Marciana. October 24. — Monsignor Carlo Montagnini, titular Archbishop of Larissa, Apostolic Delegate to Colombia.

[*Latin ed. p. 481*]

Year V. - Vol. V. November 17, 1913, No. 17. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. PAPAL ACTS OF POPE PIUS X, ISSUED UNDER THE LEAD SEAL. ERECTION OF THE NEW DIOCESE OF INSULENSIS.

PIUS, SERVANT OF THE SERVANTS OF GOD, to the eternal memory of this event, by a Consistorial decree, the beginning of which is "Ut consideret," published on the fifth day of last February, We, having considered, as far as was fitting at that time, the most suitable governance of the diocese of Cameracensis in Gallia, the most important of all in terms of its extent and the number of its citizens, and in order to better prepare for the establishment of a new diocese there, We instituted a general vicariate, established by statutes and laws, with ordinary jurisdiction over that part of the diocese of Cameracensis, which includes the districts of Insulensem, Hazebrouckiensem, and Dunkerquensem, or commonly known as the arrondissements of Lille, Hazebrouck, and Dunkerque.

Now, since the archiepiscopal see has recently become vacant, it has been requested by many men of various ranks and with opposing opinions that this matter be reconsidered. Wishing to satisfy these requests, We sought the opinion of all the Bishops who are closest to the diocese of Cameracensis. Having obtained their support, and after consultation with the Sacred Consistorial Congregation,

[*Latin ed. p. 482*]

482 Acta Apostolicae Sedis. - Official Commentary. Having abolished the vicariate of Insulensi, and in order to proceed with the division of the diocese of Cameracensis: We have considered and decreed. Therefore, having heard those who have an interest, and having ensured that all necessary matters have been attended to, and with the consent of those who are present or who are presumed to consent, We divide and separate the diocese of Cameracensis into two parts, and We establish and institute, perpetually, in the northern part, a proper and distinct diocese, to be called "Insulensis," according to the following manner. Firstly, we separate and divide from the rest of the territory of the diocese of Cameracensis the civil districts of Insulensi, Hazebrouck, and Dunkerque, commonly called the arrondissements of Lille, Hazebrouck, and Dunkerque, which were previously subject to the general vicariate of Insulensi, and we permanently assign and attribute these to the territory of the new diocese of Insulensis,

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with its present boundaries. Furthermore, We establish and constitute, perpetually, the seat and the episcopal cathedral of this diocese in the city of Insulensi, commonly called Lille, since it is the most important and frequented of the others. We raise and exalt the church existing in that city, commonly called Notre-Dame de la Treille, which is said to be the largest and adorned with singular works and artistry, to the rank and dignity of a cathedral, and in that cathedral We establish and institute a chapter, according to the sacred canons and the legitimate custom observed in Gallia. We also wish that the Bishop for the time being of Insulensis, and the cathedral church and its chapter, may enjoy all the honors, rights, privileges, and prerogatives that properly belong to them, or that other Sacred Ministers, cathedral churches, and their chapters in Gallia possess and enjoy according to legitimate custom. Furthermore, the new diocese of Insulensis must have its own and distinct seminary, both major and minor, according to the prescriptions of the Council of Tridentini, for the proper and holy instruction of the clergy of that diocese. In particular, with regard to the clergy, We decree that as soon as the division of the diocese of Cameracensis and the erection of the new diocese of Insulensis have taken place, the presbyters who are legally attached to it shall be considered and shall be of the diocese in whose territory they are legitimately engaged in the care of souls, or in some other ecclesiastical office. In order that the proper administration of the new diocese may be ensured, We order that all documents and records pertaining to the clergy and the people of Insulensis...

[*Latin ed. p. 483*]

The acts of Pope Pius X, numbered 483, pertain to dioceses; they are extracted from the archives of the diocese of Cambray and are delivered to the new diocese, to be religiously preserved in its archives. Furthermore, the diocese of Lille is constituted a suffragan of the metropolitan Church of Cambray, and the Archbishop of Cambray, by metropolitan right, subjects the bishop of the new diocese of Lille to his jurisdiction. The remaining provisions of common law and other provisions suitable for the circumstances shall be enacted concerning this matter. These present letters, and everything contained within them, shall never, at any time, for any reason, or by any defect, or for any cause whatsoever, even if legal, legitimate, pious, and privileged, even if the causes for which these were issued were not presented, verified, or justified, be subject to the vice of deception, or nullity, or the intention of Our Holy See, or any other substantial, most substantial, unforeseen and unimaginable defect, or even if in the aforementioned matters and in any of them, the solemnities and all that must be observed and fulfilled were not observed and fulfilled, or for any other reason, pretext, or cause, even one that would necessarily be expressed to ensure the validity of these present documents, be noted, impugned, invalidated, brought before the law or into controversy, or reduced to the path and

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limits of the law, or any remedy of law or fact, or grace, or justice, be sought against them, or even, with full power, knowledge, and authority granted and obtained, be used or invoked in court and outside of it, and these shall not be comprehended under any similar or dissimilar invocations, suspensions, limitations, derogations, or other contrary provisions issued by any Apostolic Letters or Constitutions, or rules of the Apostolic Chancery, or to be issued, but shall always be excepted from them, and whenever they are issued, they shall be restored, fully reinstated, and fully reintegrated, and also granted anew under any subsequent date whenever it may be chosen, and shall have their full and complete effect and obtain it, and shall be considered and observed by all as such, firmly and inviolably, and thus, and no other way, shall be judged and defined by any ordinary judges, or delegates exercising any authority or dignity, including Auditors of the Apostolic Palace and Cardinals of the Holy Roman Church, even Legates from the Side, Vice Legates, and Nuncios of the aforementioned See, with all power and faculty of judging and interpreting otherwise removed from them and from each of them, and shall also be declared invalid.

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis. - Official Commentary. We decree that if, concerning these matters, anything should happen in a different way, whether knowingly or unknowingly, we will judge it to be void. However, for the execution of this, we appoint Our beloved son, Louis Henry, Cardinal Priest of the title of St. Mary of the New, of Luçon, and Archbishop of Rheims, granting him all the necessary and appropriate faculties, including the power to delegate to anyone, regardless of ecclesiastical dignity, to carry out the aforementioned purpose, and to definitively pronounce on any difficulty or opposition that may arise in the execution, with the obligation, however, to send within six months to the Sacred Congregation Consistorial an authentic copy of the completed execution. Notwithstanding, to the extent that it is necessary, Our Rule and that of the Apostolic Chancery, "De iure quaesito non tollendo" [regarding the non-abrogation of acquired rights], and the most recent Lateran Council, prohibit perpetual dismemberment, except in cases permitted by law, and other special or general Constitutions and Ordinances Apostolic, privileges granted, and any other Apostolic Letters whatsoever, previously granted, approved, confirmed, or otherwise, in which, although a special, specific, explicit, and individual mention, or any other explicit expression, or any other refined form, would not have been necessary to maintain them, the tenor of these [letters] shall be considered as if nothing had been omitted word for word, and the form contained therein observed, with the same force and effect as if they were expressly present (remaining in their full force), we hereby, with full knowledge, intention, and power, and for this occasion only, derogate from all of the aforementioned, and from any other

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contrary provisions whatsoever. We wish that these present Letters, having been transcribed and printed, and secured with the signature of a public notary and the seal of a person in ecclesiastical dignity, shall have the same full faith and validity in judgment and outside of it, as if the original were exhibited or shown, as they would have if they were originally presented. Therefore, no human being whatsoever shall be permitted to infringe this page of Our dismemberment, eviction, erection, declaration, subjection, constitution, concession, decree, mandate, derogation, and will.

[*Latin ed. p. 485*]

The Acts of Pope Pius X, 485, daringly contradict: but if anyone should presume to attempt this, let him know that he will incur the indignation of the Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, near St. Peter's, in the year of Our Lord 1913, on the twenty-fifth day of the month of October, in the eleventh year of Our Pontificate. A. CARDINALIS AGLIARDI S. B. E., Chancellor. C. CARDINALIS DE LAI, E. p. Sabinen, Secretary of the Sacred Consistory. *VISA Loco ifa Plumbi M: Reg. in RIGGI, C A, Not. Cane. Ap., N. 85113.*

LETTERS OF THE SODALITY OF THE APOSTOLIC CONGREGATION.

"MARIAE REGINAE CORDIUM," ERECTED IN ROME IN THE CHAPEL OF THE SOCIETY OF MARY BY BLESSED MONTFORT, IS INCORPORATED INTO THE ARCHCONFRATERNITY WITH THE FACULTY OF AGGREGATING EVERYWHERE THROUGHOUT THE LANDS.

PIUS PP. X. For the perpetual memory of this matter.

It is reported to Us, Our beloved son, Hubert Maria Gebhard, the general procurator of the Society of Mary of Blessed Ludovico Maria Grignon de Montfort, as well as of the Daughters of Wisdom, that the Sodality "Mariae Reginae Cordium" was established with the fruitful purpose of establishing the kingdom of the Immaculate Virgin in the hearts of the faithful, on the twenty-fifth day of the month of March in the year 1889, in the archdiocese of Ottawa, and that, under the auspices of the Virgin Mother of God, it has grown in a remarkable manner.

Our aforementioned orator informs Us that this Sodality is found not only in the regions of America, but also in Europe, in Spain, France, and especially in Italy; that Societies of this title have been canonically founded by many bishops, and that, therefore, at present, there are nearly fifty thousand members enumerated, who strive to spread this spiritual kingdom of the Virgin Mary throughout the entire world.

However, it is the very desire of the Missionaries of the Society of Mary of Blessed Montfort, who direct the aforementioned Sodality, that a center

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be established, which may be endowed with the title and privileges of an Arch-Sodality, and therefore, the general procurator, "of his entire..."

[*Latin ed. p. 486*]

486 From the Apostolic See. - Official Commentary. Expressing the desire of the family of Saint Joseph, We, through fervent prayers, request that We may deem it fitting to elevate the Society, established in honor of the Virgin "Queen of Hearts," in Rome by decree from the Most Reverend Peter, Cardinal Respighi, Our Prefect of the Spiritual Affairs of the City, on the tenth day of the month of June in the year 1906, to the rank of Archsodality for the entire world. We have considered it a most opportune measure that the principal seat of this pious Society be established in the venerable City, the center of the Catholic world, and We believe that We should grant these requests to the extent that it is pleasing to the Lord. Therefore, having heard the Most Reverend Fathers, Cardinals, Prefects of the Congregation for interpreting the decrees of the Council of Trent, We, by Our authority, canonically establish and constitute the Society under the title of "Mary, Queen of Hearts" in Rome, within the public chapel adjacent to the college of the Society of Mary of Saint-Louis Grignion de Montfort, located in the urban district known as Sardinia, which has already been adorned with special indulgences and spiritual graces through similar Letters of Ours dated the first day of February in the year 1910, bearing the fisherman's seal, as an Archsodality, with the customary privileges, permanently. We hereby grant, with Our Apostolic authority, to the moderator and officials, present and future, of the Society thus established by Us, for all time, that they may freely incorporate other Societies of the same title and institution, now and in the future established or to be established throughout the world, observing the form of the Constitution of Clement, Our predecessor Pope IV, and other Apostolic ordinances issued above, and that they may lawfully communicate to them all the indulgences, remissions of sins, and relaxations of penances granted or to be granted to the same Archsodality by the Apostolic See, which may be communicated with others, and that they may freely do so. These things We grant and decree, declaring that these present Letters shall always remain valid and effective, and shall have their full and complete effect and obtain their intended purpose; and that those to whom they pertain, now or in the future, shall fully and completely benefit from them, and that it shall be rightly judged and determined, and that they shall be declared void and null, if anything should be attempted by anyone, knowingly or unknowingly, in violation of these provisions. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-eighth day of April, in the year 1913, in the tenth year of Our Pontificate.

R. L.

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S. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 487*]

Acts of Pope Pius X, 487. LETTERS. I. TO REVEREND FATHER EDWARD HUGOX, PRIEST OF THE ORDER OF PREACHERS, IN THE PONTIFICAL COLLEGE, TO COMMEND HIM FOR HIS "ANGELIC DOCTOR" DOCTORATE IN THEOLOGY AND THOMISTIC PHILOSOPHY; FOLLOWS.

Beloved Son, health and apostolic blessing. – It is fitting that the discipline of Aquinas should be held in the highest honor and studied diligently, especially within that religious family to which that Doctor was himself a light and ornament. And indeed, among the members of the illustrious Dominican Order, our own are not few, nor obscure, who, having followed that never-aging Doctor, strive to illuminate Christian dogmas and institutions splendidly and to defend them steadfastly. In this number, you, beloved Son, are not the least, as your course in Thomistic Philosophy demands; which We, having recently received as a pious offering, acknowledge. The judgments of the most prudent men in philosophy concerning you are well known, praising your volumes for their sincere adherence to the doctrine of Saint Thomas, as well as for the abundance and composition of your writings and the clarity of your style; and this is especially praised in you, because you apply the ancient principles of the School wisely, either to illuminate new philosophical advancements or to refute errors. Therefore, We give thanks to you for the fruits of your labors, presented to us for examination; but even more for the salutary service you render to the sacred youth. For, as We have affirmed many times, nothing is of greater importance to the Church than that the wisdom of the Angelic Doctor should preside over the more serious studies of the young clergy; and We rejoice that this is happening happily among the students who use you either as a teacher or as an author. We bestow upon you, beloved Son, our most affectionate apostolic blessing, as a pledge of divine graces and a witness of Our paternal benevolence. Given in Rome, at St. Peter's, on the sixteenth day of the month of July, in the tenth year of Our pontificate.

PIUS PP. X.

[*Latin ed. p. 488*]

488* Acta Apostolicae Sedis. - Official Commentary. The Sacred Congregation offers greetings and congratulations to the Reverend Father Joseph Chiaudano, a priest of the Society of Jesus, for his appointment as editor of the periodical "La Civiltà Cattolica," a position which the Sacred Congregation highly commends. Beloved Son, greetings and apostolic blessing. It is certainly not unknown to you, beloved Son, as it was to Our predecessors, that the work diligently and thoroughly undertaken by your esteemed

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colleagues of the Society of Jesus in producing the periodical *La Civiltà Cattolica* has always been, and continues to be, of great benefit to the Holy Church. Indeed, recently, when they were celebrating the completion of sixty years of its publication, We sent them letters to congratulate them for having, over so long a period, zealously defended the doctrines and dogmas of the Catholic Church, and for having vigorously refuted errors, always listening attentively to the Vicar of Christ; and We gladly repeat these praises here. We have indeed formed a well-deserved opinion of your doctrine, piety, and wisdom, so that We judge you to be eminently worthy to preside over such a distinguished group of writers; therefore, We congratulate you on having been appointed its editor. We are certainly not in doubt that you will fully fulfill Our expectations. Therefore, under your guidance, they will continue to zealously defend the cause of the Church and of the Roman Pontiff, as they have always done, and, maintaining their constancy in observing the prescriptions of the Pontifical authorities, they will always ensure that the writers of this periodical, as far as possible, are sincere and truly Catholic, and that they find timely support and encouragement. We, as a witness to the divine blessings of Our works and of Our singular benevolence, impart to you, beloved Son, and to all who contribute to this periodical, Our most heartfelt apostolic blessing. Given in Rome, at St. Peter's, on the twenty-fifth day of the month of September, in the eleventh year of Our Pontificate.

PIUS PP. X.

1913.

[*Latin ed. p. 489*]

489 Acts of Pope Pius X, Volume III. • TO EUGENE O'KEEFE FROM THE ARCHDIOCESE OF TORONTO IN AMERICA; PRAISING HIS RELIGIOUS GENEROSITY. Beloved Son, greetings and the apostolic blessing. — Among the distinguished men who adorn the Catholic profession in the archdiocese of Toronto with virtuous conduct, you are counted among the foremost, beloved Son, as the Archbishop has recently informed Us with great pleasure. Indeed, when he praised your generosity in all matters of beneficence before Us, he especially mentioned the generosity you displayed in contributing to the work of a new seminary, and in providing assistance to several students there in need. Truly, you could not have merited greater favor for the Church, nor could you have gained a greater grace from God in this way. We gladly acknowledge your merits and, with a heartfelt expression of gratitude, bestow upon you, beloved Son, and upon all those connected with you, the apostolic blessing. Given in Rome, at St. Peter's, on the fourth day of the month of October, in the eleventh year of Our Pontificate, PIUS PP. X. IV. TO LEON ADOLF CARDINAL AMETTE,

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ARCHBISHOP OF PARIS, AND TO THE OTHER ARCHBISHOPS AND BISHOPS, PATRONS OF THE CATHOLIC INSTITUTE OF PARIS. Beloved Sons, Venerable Brothers, greetings and the apostolic blessing. — We do not wish the studies, which were interrupted during the summer holidays, to be resumed in this noble center of learning under your direction, until it is perfectly clear to you what Our sentiments are towards it. Who is unaware of how much We value the Catholic Institute of Paris, from which such a rich abundance of excellent fruits has flowed forth? Indeed, We rejoice with you in these fruits, and at the same time We hope that in the future, even more abundant benefits will flow into your dioceses. Furthermore, just as We have not spared our efforts to support the Institute, so We will certainly not fail to do so in the future.

[*Latin ed. p. 490*]

490 Acta Apostolicae Sedis. - Official Commentary. that you may have. Since, through a letter of the most excellent kind, dated in the month of August, we united the dioceses of Vannes, Quimper [Cornouailles] (-Léon), and Saint-Brieuc in a consortium, so that they might contribute their resources to the support of the Catholic University of Angers, we did so both because necessity urged us to do so, and because we placed great trust in you. Indeed, if each of you contributes to the Institute the sum of money which you have piously promised, and if each diligently encourages the most generous contributions from all within his diocese, we are convinced that the Institute in Paris will be abundantly supplied with what it needs. The fact that we place our trust in you is demonstrated by the fact that we recently received word that the number of disciplines taught here has been increased, particularly in the areas of economics and commerce. We strongly commend this initiative; and we desire that it be so well received by the Catholics of Paris, who are engaged in trade or crafts, that, upon receiving generous support, it will contribute to the stability and growth of these disciplines. For what better use can be made of the resources with which the Lord's goodness has enriched them, than in this kind of benefaction? Therefore, persevere confidently in this undertaking; for when the salvation of the Christian people is at stake, the help of God's providence is never long delayed. As a pledge of our good wishes and a testament to our paternal benevolence, we impart to you, our beloved Son, our venerable Brothers, and to your clergy and people, our apostolic blessing. Given in Rome, at St. Peter's, on the eighth day of the month of October, in the eleventh year of Our Pontificate. PIUS PP. X. TO AUGUSTIN CARDINAL RICHELMY, THE MOST DEVOUT ARCHBISHOP, TO THE MOST BLESSED FATHER OF TURIN, REGARDING THE ANNUAL CONGRESS OF THE CLERGY OF THE REGION OF PIEDMONT, RECENTLY CELEBRATED IN AUGUSTA. Beloved Son and venerable Brothers, greetings and apostolic blessing. — Recently, the clergy of Augusta of Piedmont, as is

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their custom each year, sent us a letter, in which they offered us testimonies of their piety towards Us, and announced the abundant fruits which have resulted from all the efforts of the region of Piedmont.

[*Latin ed. p. 491*]

From the Acts of Pope Pius X, 491, you testify that the region has received blessings this year. It is pleasing to Us that you, resting in the love of brothers and sons, and rejoicing in every increase of popular piety, are so devoted. Indeed, this increase is so truly a praise of your faithful, that it should also be a common benefit to you, provided that it is fostered with diligence and prudence. Continue, beloved Son and venerable Brothers, to demonstrate your devotion to Us, and We shall observe it; continue to urge your studies in the Eucharist, so that the flocks entrusted to you may become accustomed to this heavenly banquet, and may thereby live, and may live more abundantly each day. May the divine blessings, and the witness of Our apostolic benevolence, be with you individually, with your clergy, and with your people, which We impart to you in the Lord. Given in Rome, at St. Peter's, on the thirtieth day of October, in the year 1913, in the eleventh year of Our Pontificate. PIUS P. X.

CONGREGATION CONSISTORIALIS

I. PROVISIONS FOR CHURCHES.

By successive decrees of the Sacred Congregation Consistorial, Our Holy Father Pius X has provided for the following churches, namely:

August 22, 1913. — He appointed the Reverend Nicholas Monterisi, canon and parish priest of the cathedral church of Barola, as the prefect of the cathedral church of Monopolitano.

August 27. — He appointed the Reverend Father Robert, in the world Achilles, Razzoli, of the Order of the Friars Minor, of the Leonian Union, already custodian of the Holy Land, to the cathedral churches of Potentina and Marsico Nuovo.

— He appointed the Reverend John Plaza and Garcia, master of the school of the cathedral church of Calagurita, to the titular episcopal church of Hippus.

[*Latin ed. p. 492*]

4. Acta Apostolicae Sedis. - Official Commentary. September 9, 1913. – To the titular episcopal see of Philadelphia, the Reverend Dominic Pasi, parish priest of the church of Saint Margaret in the diocese of Faenza, appointed as Auxiliary by the Most Reverend and Reverend Cardinal Julius Boschen, Archbishop of Ferrara. October 27. – To the titular episcopal see of Gisma, the Reverend Henry Loeppen, military vicar of the Prussian army.

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October 28. – To the cathedral church of Brescia, the Reverend Hyacinth Gaggia, hitherto titular bishop of Hadrumetum. October 28. – To the cathedral church of Jaca, the Reverend Emmanuel de Castro and Alonso, canon of the metropolitan church of Valladolid. November 10. – To the titular episcopal see of Pentacomia, the Reverend Francis Assisi Vidal and Barraquer, archpriest of the metropolitan church of Tarragona. November 12. – To the titular episcopal see of Germe, the Reverend Edward Kozlowski, of the diocese of Grand Rapids, appointed as Auxiliary by the Most Reverend Sebastian Messmer, Archbishop of Milwaukee.

REGULATIONS FOR THE IMPLEMENTATION OF THE CONSTITUTION "IN PRAECIPUIS."

In order that the provisions of the Constitution "In praecipuis" of June 28, 1913, may find a just and easy application, the Holy Father, having taken into account the votes of the Cardinal Commission and the Sub-Commission of Prelates, dedicated to the study of this matter, and having especially consulted the Cardinal Vicar and the Cardinal Archpriest of the Basilica of the Vatican, has established the following regulations, which must have the same value as the aforementioned Constitution, in accordance with the provision of the same.

1. The current bodies of the Roman Seminary, the Vatican Seminary, the Seminary of Saints Ambrose and Charles, and the Leonian College, for the new organization of the Italian seminaries in Rome, cease from their office, in order to give way to the new regulations. The office of Canon Prefect in the Vatican Seminary is abolished.

2. The Leonian College retains its Cardinal Protector.

3. A new disciplinary and economic body will be established for the Major Seminary at the Lateran: and it will also apply to the Leonian College, to which it must therefore extend its care.

[*Latin ed. p. 493*]

Sacred Congregation of the Consistory.

4. In conformity with chapter 18, session 23 of the Council of Trent, the disciplinary commission shall be composed of two priests, chosen directly by the Supreme Pontiff, as Bishop of Rome. The priests deputed for financial matters shall be four: two likewise to be nominated directly by the Supreme Pontiff; and of the other two, one shall be elected by the Patriarchal Chapters of the Lateran and the Liberian, under the presidency of the Cardinal Archpriest of the Archbasilica of the Lateran, and the other by a delegate from each of the chapters of the minor and collegiate basilicas of Rome, and from the Congregation Secret of the Parish Priests, under the presidency of the Cardinal Vicar.

5. The members of the commissions shall hold office for a period of five

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years. And if, through death, or removal from Rome, or any other reason, a member should be absent, it shall be the duty of those who previously made the election to fill the vacancy. Whoever shall be thus elected shall remain in office until the end of the current five-year period. Those who have served their term may be re-elected for a second five-year period, but no longer.

6. The minor seminary of Rome at the Vatican shall also have a special and distinct disciplinary and financial commission, until circumstances require or advise otherwise, and it shall be analogous to that of the major seminary. The appointment of the two disciplinary members and the two first financial members is likewise reserved to the Holy Father: for the other two financial members, the election of one is entrusted to the Vatican Chapter, and the election of the other to the remaining clergy of the same basilica, that is, to the college of beneficiaries and clerical beneficiaries. The provisions of article 5 apply also to the members of the minor seminary of Rome at the Vatican.

7. a) The commissions of the major seminary at the Lateran and of the Leonian College shall meet under the presidency of the Cardinal Vicar; those of the minor seminary at the Vatican under the presidency of the Eminent Archpriest. Each shall, with counsel and cooperation, assist their Cardinal in matters of their respective competence, in conformity with general canon law.

b) They shall meet whenever necessity or utility requires, but no less than four times a year, at times to be determined.

c) The disciplinary members shall be convened separately from the financial members, as often as their resolutions do not imply...

[*Latin ed. p. 494*]

494 Acta Apostolicae Sedis. - Official Commentary. The temporal administration of the seminary, or the Cardinal President may deem it useful or necessary to convene them separately. In like manner, the representatives of the economic affairs may be convened separately. d) All representatives are strictly obligated to maintain official secrecy regarding matters discussed and concluded within the deputation. e) Each deputation may elect a secretary from among its members, who may be entrusted by the Cardinal President with the task of summoning the other representatives, and with making communications to third parties. He shall prepare the minutes of the meeting and keep them in the place designated for that purpose. f) Superiors and teachers may also be called upon within the deputations to provide explanations that may be necessary. However, the right to vote is reserved to the representatives. 8. The major seminary at the Lateran, the minor seminary at the Vatican, and the Leonine College shall each have their own Rector, Spiritual Director, Vice-Rector, and Procurator. The students of the Pio Seminary, both in the major seminary at the Lateran

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and in the Leonine College, shall have the same superiors as the other students with whom they live. However, the administration of the assets shall remain distinct and separate: and the Rector of the major seminary at the Lateran shall have the legal representation of the institution, as Rector of the Pio Seminary. 9. The major seminary in Rome at the Lateran and the Leonine College shall have a common Prefect of Studies, who shall be responsible for all matters relating to teaching in both institutions, in accordance with common law. The minor seminary in Rome at the Vatican shall have its own Prefect of Studies with the powers proper to this office. 10. The Rectors of the two seminaries and the Leonine College, the Spiritual Directors of the same, the Prefect and the Prefect of Studies, as mentioned in the preceding articles, shall be directly appointed by the Holy Father. 11. The Vice-Rectors of the major seminary in Rome at the Lateran and the Leonine College shall be appointed by the Cardinal Vicar, with the vote of the disciplinary deputation, of the Rector, and with the approval of the Holy Father: in the same way, the two Procurators, but with the required vote of the economic deputation as well: likewise, the teachers, but with the required vote, in addition to that of the disciplinary deputation, also of the Prefect of Studies. 12. The Vice-Rector of the minor seminary in Rome at the Vatican shall be appointed by the Cardinal Archpriest of the Vatican Basilica, with the vote of the disciplinary deputation and the Rector, after consultation according to the general rules.

[*Latin ed. p. 495*]

Sacred Congregation of the Consistory. 495. The Cardinal Vicar, with the approval of the Holy Father: in the same manner, the treasurer, but the vote of the economic commission is also required; and likewise, the masters, but the vote, in addition to that of the disciplinary commission, is also required from the head of studies.

13. The economic commission, with regard to the selection of superiors and masters, shall be consulted only in the case of modifications to salaries.

14. What has been established by law and is in practice regarding the clerical tax remains unchanged. And the amount relating thereto shall, in every case, be collected by the treasurer of the Major Seminary of Rome at the Lateran. Likewise, the special contribution that the Vatican Chapter customarily gives to the Vatican Seminary remains fixed.

15. Separate instructions will be given regarding the custody of securities.

16. The regulations established and in use for the competition and assignment of free and semi-free student positions in the Major and Minor Seminaries of Rome, and in the Pio Seminary, remain in force.

17. For Roman young men who, having obtained a free place, should enter the Minor Seminary at the Vatican for gymnastic studies, the treasurer

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of the Major Seminary will pay to the treasurer of the Minor Seminary the customary tuition fee, until they remain there for their studies. Likewise, he will do so towards the treasurer of the Leonian College for Roman students of the Pio Seminary, or of other institutions and dioceses, who, having been ordained priests, and having to complete the prescribed course at the Leonian College, are entitled to free or semi-free maintenance. Similarly, the treasurer of the Minor Seminary will pay to that of the Major Seminary or to that of the Leonian College the customary tuition fee for students belonging to the Basilica of the Vatican and educated at its expense in the Major Seminary at the Lateran or in the Leonian College.

18. As for the Seminaries of Saints Ambrose and Charles, the revenues not earmarked for special purposes will be divided into so many scholarships, which will be enjoyed in turn, according to a norm to be established, by the various dioceses of Upper Italy mentioned in the Motu Proprio of Pope Leo XIII.

19. In due time, at the beginning of the school year, the treasurers shall present the summary budget of the previous year and the budget forecast for the new year, including the active and passive financial status of the pious institution, specifying the sums necessary for the maintenance of the premises, teaching, the liturgy, the upkeep of students and superiors, the library, the scientific laboratories, or other expenses. In particular, the treasurer of the Major Seminary at the Lateran will...

[*Latin ed. p. 496*]

"Acts of the Apostolic See. - Official Commentary. It should be noted that the revenues and expenses of the Pio Seminary's endowment, and possibly of other institutions with separate funds, should have a separate section in their budgets.

20. Within one year from the date of this regulation, the treasurers must prepare an accurate inventory of the capital and all movable property of the Pio institution to whose custody they have been appointed. This inventory shall be kept by the respective economic board. And if there are increases or losses, these must be diligently noted, and, upon the presentation of the budgets, reported to the same board; the treasurer shall be personally responsible if, at the end of his term, any item is missing or not reported in the budgets.

21. The members of the economic board are jointly obligated to request, at the beginning of the school year, the final and preliminary budgets, the presentation of the balance sheet and the inventory of the respective Pio institution.

22. The capital and revenues that have their own special allocations must be religiously safeguarded, and faithfully disbursed for their intended purpose, and the directors of the Pio institutions and their respective boards

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shall be personally responsible if, through their fault, this does not occur otherwise.

23. The Reverend Vicar shall be accurately informed about his students at the minor seminary in Vaticana, and he has the right to oversee them and to regulate their admission and dismissal, as their Ordinary, according to the norms of common law. The Reverend Archpriest of St. Peter's also has the same right regarding the students under his jurisdiction residing in the major seminary at Laterano or at Leoniano. Likewise, for all non-Roman students who are educated in the Roman seminary or at the Leoniano college, the rights of their respective Ordinaries remain valid, in accordance with canon law. In all cases, the rectors will always provide the necessary information to their respective Ordinaries.

24. Regarding the sacred ordinations, the privilege of the Vatican Basilica shall be observed for those destined for the service of the same Basilica, while the common law remains in force for all others.

25. For the assistance of the choir, the students of the Roman major seminary will participate in the Archbasilica Lateranense, and those of the minor seminary in the Vatican Basilica, according to special regulations, which will be appropriately established separately.

Rome, October 30, 1913.

G. CARD. DELAI, Bishop of Sabina, Secretary."

[*Latin ed. p. 497*]

497. The Holy Congregation of the Propagation of the Faith. DECREE. An Apostolic Prefecture is established for Lindi, subject to the jurisdiction of Germany. AFRICA ORIENTALIS. *In order to provide more diligently for the conversion of the inhabitants of the eastern shores of Central Africa, the Most Reverend Fathers of this Congregation for the Propagation of the Faith, in plenary sessions held on the 10th of the aforementioned month, decided to separate from the Apostolic Vicariate of Dar es Salaam, which extends very widely, the entire territory thereof that lies to the south, between Lake Massa and the Ocean, and to erect it into a separate Apostolic Prefecture, whose boundaries shall be as follows: To the north, the Mbemkuru River, from its mouth to its sources; then a straight line drawn from thence until it reaches the point where the Pitu River flows into the Ruhuje; thence the Ruhuje River to its sources; and finally, a line drawn from the aforementioned sources, reaching the northernmost point of Lake Massa. To the west, Lake Massa. To the south, the civil boundaries that separate the German territory from the Mozambican colony. To the east, the Ocean. Furthermore, it was decided that this Prefecture, thus defined, should be called "of Lindi," and that it should be entrusted to the monks of the Congregation of Saint Othilia. This decision was reported to His Holiness, Pope Pius X, by the undersigned Secretary of the Holy Congregation, in an audience held

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on the same day. His Holiness was pleased to approve of everything in its entirety, and ordered that a Decree be issued regarding this matter. Given at Rome, from the offices of the Holy Congregation of the Propagation of the Faith, on the 12th of November, in the year of Our Lord 1913. Fr. H. M. CARD. GOTTI, Prefect. L. © S. C. Laurenti, Secretary. ACTA, vol. V, n. 17. — 17-11-1913. 35

[*Latin ed. p. 498*]

Acts of the Apostolic See. - Official Commentary. 498 • HOLY CONGREGATION OF THE INDEX, DECREE. Thursday, November 13, 1913. The Holy Congregation of the Most Eminent and Reverend Cardinals of the Holy Roman Church, by the command of our Most Holy Lord Pope Pius X and the Holy Apostolic See, concerning the examination of books of pernicious doctrine, and their condemnation, proscription, expurgation, and permission throughout the Christian republic, having received a special mandate from the Most Holy Lord Pope Pius X, condemns and condemns, proscribes and proscribes, and orders that the following work be placed on the Index of Prohibited Books: ANTONIETTA GIACOMELLI, *Per la riscossa cristiana*. Milan, 1913. Therefore, no one of any rank or condition may dare to publish or print the aforementioned work, which is condemned and proscribed, in any place or language, or to read or retain it after it has been published, under the penalties indicated in the Index of Prohibited Books. Given in Rome, on November 13, 1913. FR. CARD. DELLA VOLPE, Prefect. L. £& S. Thomas Esser, O. P., Secretary.

[*Latin ed. p. 499*]

SACRED ROMAN ROTA, MELITEN. FUNERALS. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on the 7th of June, 1913, the Most Reverend and Reverend Fathers, William Sebastianelli, presiding, Seraphinus Many, and Francis Heiner, Auditors, in the cause of Meliten. - Funerals, concerning the collegiate church of the Blessed Virgin Immaculate in the city of "Cospicua," represented by its legitimate procurator, Christopher Astorri, and the Reverend Canon Joseph Azzopardi, perpetual curate of the same church, represented by his legitimate procurator, Vincent Sacconi, rendered the following final judgment. It was decided by the judge of Meliten, and subsequently by the Holy Office, that the perpetual curate of the collegiate church of the city of Cospicua must celebrate the funeral Mass in the presence of the body, and that he is entitled to begin the antiphon "Exsultabunt Domino," and to determine the time and manner of the funeral procession. Feeling aggrieved by these decisions, the Chapter appealed to the Supreme Tribunal of the Signature. And on July 20, 1912, a response was issued: "The scope of the judgment of the Rota is limited by a particular law, which regulates the exercise of the actual care [of the church] in the collegiate church of the Blessed Virgin Immaculate in

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the city of "Cospicua," namely, by the Bull of Pius VIII "dated September 25, 1830, and by the Agreement between the Ordinary and the Chapter, approved and confirmed by the Bull of Pius IX "dated October 1, 1850, taking also into account subsequent observance." Therefore, the case is again presented today, with the parties adhering to the aforementioned decision of the Tribunal; that is to say: Does the Chapter of the collegiate church of the city of "Cospicua" have the right, in accordance with the decision of the Apostolic Signature of July 10, 1912, in this case, to initiate the funeral rites by intoning the antiphon "Exsultabunt Domino," to sprinkle the body with holy water, to determine the time and manner of the funeral, and also to...

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis. - Official Commentary. The funeral Mass celebrated in the presence of the deceased. The Most Reverend Fathers judged that this question should be answered with an affirmative response. First of all, the Reverend Fathers observed the various phases through which the care of souls in the collegiate church of the city of "Cospicua" had passed. By the Bull of Pope Pius VII in 1822, the parish church dedicated to the Blessed Virgin Mary, conceived without sin, was raised to the status of a collegiate church, and the archpriest was granted actual care of souls, while the Chapter retained only habitual care. Subsequently, controversies and disputes arose regarding the jurisdiction that the archpriest claimed independently of the Chapter with respect to the performance of ecclesiastical functions, and in order to better provide for the proper support of the canons, whose income, due to various calamities that had afflicted the island of Malta, amounted to only about thirty Roman scudi annually, Pope Pius VIII, by the Constitution *Ad supremum*, dated September 7, 1830, separated the actual care of souls from the archpriest and assigned it to the Chapter, so that in the same place both actual and habitual care would be united. The Chapter could exercise this care of souls either through the members of the Chapter and canons in turn, or through a secular priest, a curate appointed by the Chapter, who could be removed at the Chapter's discretion, with a suitable salary assigned to him. All revenues and emoluments, certain and uncertain, arising from the exercise of the care of souls in any way, were to be assigned to the Chapter and the canons. The dispositions of Pius VIII were not without opposition, due to great and new difficulties that arose. For this reason, the matter was amicably resolved through an Ordinary meeting of the Melitian Order between the Chapter, which was approved and formally confirmed by the Most Holy Pope Pius IX by the Bull *Inter cetera*, dated October 1, 1850. In this Bull, among other things, the following is stated: "The aforementioned letters of our predecessor, Pope Pius VIII, are confirmed and ratified, "regarding those matters that concern the union of habitual care with actual care in

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favor of "the aforementioned Chapter, provided that the exercise of care is "regulated according to the following laws: 1° That the actual care "should always and irrevocably be exercised by a curate appointed "by the Chapter, including the archpriest, by choosing and confirming "him in the manner and form specified below. 2° That the administration "of the Sacraments pertains only to the curate, and that whatever "is entrusted to him concerning the actual exercise of the care of souls "is strictly limited to that, while preserving and reserving for the "Chapter all other rights and privileges, even with respect to such "exercise, which are reserved to the Chapter, as the rector of the church, "and remain so."

[*Latin ed. p. 501*]

From these things, it is clear that, by a Bull of Pope Pius VII, the parish of the Church of the Most Holy Virgin Immaculate was divided between the Chapter and the Archpriest, so that one would have habitual jurisdiction, and the other actual jurisdiction. However, by Bulls of Pope Pius VIII and Pope Pius IX, both jurisdictions were assigned to the Chapter, so that, possessing an undivided parish, it became the absolute and sole rector, spouse, and parson of the church, representing the mystical or political body, constituting a single moral or intellectual person. This is also shown, either by the instrument of March 23, 1852, by which the Chapter, through its procurator, was granted "vacant," "free," "expedit," "real," and "corporal possession" of the care, both "actual and habitual," of the souls of the aforementioned church, according to the Apostolic Decrees; or by the reason for admitting new canons into possession of their own canonry, a procedure which is equivalent to the real institution of a true and proper parochial benefice. All of these things certainly have no place in those Chapters to which only habitual jurisdiction pertains. This same thing is further deduced from the fact that, according to the disposition of Pope Pius VII, only the habitual care remained with the Chapter, while the Archpriest was granted the right to choose secular priests as assistants in the exercise of the care of souls, at the will of the Archpriest, who could remove them and compensate them with a suitable salary. On the contrary, when actual jurisdiction was united with habitual jurisdiction in the Chapter, the same was given the power to appoint two vicars, removable at the will of the same Chapter, with a suitable assignment. This appointment by the Chapter denotes that it is the parson both in fact and in law. See Pignatelli (vol. III, consult. 24, n. 3). "Because, from the fact that the Chapter, and not any Dignitary, appoints vicars annually for the exercise of the care, from which that care is exercised, it follows that the rector having the care is the Chapter, and not any Dignitary, and therefore the Dignitaries remain excluded from the actual and habitual jurisdiction; and this even more, because just as the Chapter appoints, so the same Chapter does not grant a suitable assignment to those appointed, and therefore the care is with it."

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Pitonius, Discept. eccles., 104, n. 30. Having considered all of these things, the Most Reverend and Most Reverend Fathers of the other turn wrote in their circumscribed opinion: "Undoubtedly, the actual care of souls is with the Chapter," but added: "but no less undoubtedly it cannot be exercised by the same." Truly, if this were admitted, Pope Pius VIII would have rendered the matter completely useless by separating the actual jurisdiction from the archpriestate, and assigning it to the Chapter, a separation which was confirmed by Pope Pius IX. Then, in the Constitution of Pope Pius IX, the exercise of the care is partly assigned to the vicarius curatus, and partly to the Chapter. The part pertaining to the vicarius curatus is as follows:

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis. - Official Commentary. is stated in the words: "Only the administration of the Sacraments pertains to the vicarious curate; and whatever is mentioned concerning the actual care of souls strictly pertains to its exercise"; but what is expressed in the chapter refers to: "with the favor of the chapter preserved and reserved, along with all other rights and privileges, even concerning this exercise, which are due to him as the rector of the church." Therefore, it is clearly reserved to the chapter a portion of the exercise of care, and thus to the vicarious curate is granted not the full, but only the strict exercise of care. Since the exercise is perpetual and by virtue of the Constitution, it follows that he is not a mandatory, minister, coadjutor, or assistant of the chapter, although he is not a vicarious in the common course of law, inasmuch as the entire actual care has been entrusted to him, while the habitual care remains with the chapter. Nor should it be said that a different decision was made by the Sacred Congregation of the Council, which, when asked "Whether, according to the Apostolic Constitutions, the entire actual care of souls belongs to the vicarious curate in this case?", replied on December 20, 1902: "Affirmatively, with regard to the exercise of the care of souls." Indeed, here we are not dealing with an authentic interpretation of the Apostolic Constitutions, as the vicarious curate's patron would have it; moreover, since the Sacred Congregation of the Council has generally been entrusted by the Supreme Pontiffs with interpreting the decrees of the Council of Trent, that form should be used in this case, which should have been used by the Roman Congregations in authentically interpreting pontifical laws before the Constitution *Sapienti Consilio*. It should be noted that, on the one hand, the vicarious curate, perhaps not distinguishing between actual care and its exercise, believed that the entire actual care belonged to him; on the other hand, the chapter claimed that the vicarious curate was only a person delegated by it to administer the Sacraments and to perform certain acts of the parochial ministry; hence, the Sacred Congregation, taking a middle course, decreed that, according to the Apostolic Constitutions, the entire exercise of actual care belongs to the vicarious curate, for which

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reason it could not be said that he was a delegate or minister of the chapter. However, it does not say anything about the extent of this exercise, whether it should be understood strictly or broadly (cf. Thesaurus S. G. G, vol. 16, pp. 1065-1085). Therefore, even if the decision has passed into res judicata, it is useless to bring it forward to resolve the present controversy; for this reason, the highest Tribunal of the Apostolic Signature, circumscribing the judgment of the Sacred Congregation, did not take into account the conciliar response, which it certainly would not have done if, through it, the entire exercise of actual care had been attributed to the vicarious curate; for this is the basis and foundation of the entire judgment. Furthermore, the arguments presented by the vicarious curate's patron concerning the meaning of the words "with the favor of the chapter preserved and reserved, along with all other rights and privileges, even concerning this exercise" were not taken into account.

[*Latin ed. p. 503*]

St. Boman's Boot. 503 or "exercise, which are due to him as the rector of the church." For these words cannot refer to uncertain and emolumentary matters; for these can be reserved to the habitual parish priest, or be counted among the things due to the curate. Then, concerning the aforementioned revenues of the church, there is much discussion, both far and wide, in the designated article of the agreement, or concordat, in which it is expressly stated that these revenues belong to the Chapter, saving the due to the curate and certain other sums of money destined for a special purpose, from which it is unlikely that these revenues are discussed in article 2, where the subject is the exercise of care. Moreover, 2° certain parochial rights with regard to the external and contentious forum are involved, such as the defense of the church, the repair of the building, the custody of the furnishings, provided that these rights, besides being granted to the habitual parish priest by the sacred canons, Pius IX also wanted to be fully maintained in favor of the Chapter, with the words that immediately follow those with which we are dealing: "but all other rights and privileges shall be reserved to the said Chapter as the rector of the church, and shall remain with it." Nor can these be understood as certain honorary rights reserved to the Chapter, such as, for example, the right of precedence at funerals. For these honorary rights cannot be called rights and privileges concerning the exercise of care of souls; for they are entirely separate from any exercise of care, and they do not include that exercise, nor do they in any way presuppose it, but they simply signify the preeminence of the Chapter over all other clergy and persons. After these considerations, the Fathers more closely approach the doubt, admitting the right to celebrate the funeral Mass in the presence of the body, and the right to handle the body, which includes the other disputed rights, i.e., the right to begin the funeral rites by intoning the antiphon "Exsultabunt

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Domino," the right to sprinkle the body with holy water, and the right to designate the time and manner of the funeral, belong to the curate who is instituted according to the common law, i.e., with the full exercise of actual care, leaving to the Chapter only the habitual care, as is clearly and abundantly shown in the aforementioned sentence. But this cannot be applied to the present controversy. For, according to Pius's Constitutions, the habitual and actual care is granted to one Chapter; and although Pius IX in article 1 of the concordat grants to the curate the exercise of care of souls in an indeterminate and general way, in 2° he so defines this exercise: "that the administration of the Sacraments and whatever strictly pertains to the exercise of the aforementioned actual care of souls is assigned to the curate himself, etc." Therefore, considering the particular law, it is certain that the rights of which we are speaking do not pertain to the administration of the Sacraments. Nor do they refer to the strict exercise of care of souls, as is shown generically and specifically.

[*Latin ed. p. 504*]

504 Acta Apostolicae Sedis. - Official Commentary. 1. Generally speaking, this is so because the exercise of the care of souls should not exceed the benefit and sanctification of the living; furthermore, the rights pertaining to funerals are explained only after death. 2. The reason why funeral rights are granted to the parish priest is because, during his life, the parish priest sustains the spiritual care of his parishioners, and is, as it were, in the place of a father; therefore, it is fitting that he should also provide for the deceased and grant them a place of burial. And just as he ought to pray for and offer sacrifice for the living, "so too it is fitting that he should offer prayers and Masses for the deceased" (Van-Espen, title De sepult., 28, ch. 3, n. 1 and following). However, in the church of the B. V. Immaculate Conception in the city of "Cospicua," the Chapter serves as the rector and parish priest; therefore, it is in the place of the father for the parishioners, although it is obligated to administer the Sacraments and to exercise certain spiritual ministrations through a vicarious. Likewise, the Mass for the people is celebrated by the vicarious, but the alms received are from the Chapter (art. 7, Concord, in fine). It is not the case that, when the vicarious is called the "curate of the patron," the Sacred Congregation of the Council has attributed the rights of funerals to the vicarious in its decision of June 30, 1906, in which it decreed that the right to wear the stole pertains to the vicarious curate (Thesaurus, vol. 165, pp. 656-664). For this is very doubtful; for when the Bishop of Melite, with his own judgment, on February 3, 1905, had decreed that "the right to wear the stole pertains to the most worthy member of the Chapter," the vicarious curate appealed from this judgment to the Sacred Congregation of the Council, which on June 30, 1906, responded: "The decree of the Bishop is to be confirmed, saving to the vicarious curate the right to wear the stole, if he acts in the proper place of

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his office." Therefore, the Sacred Congregation rather decided in favor of the Chapter, confirming the decree of the Bishop; it did indeed reserve to the vicarious curate the right to wear the stole, if he acts in the proper place of his office; but the question of when he acts in the proper place of his office was not determined in any way by the Sacred Congregation; therefore, the Chapter presented a suppliant petition to the same Congregation, so that it might determine the meaning of its decision, as narrated by the Bishop of Melite in his judgment of June 28, 1907. In particular, it does not pertain to the vicarious curate of the Collegiate Church of "Cospicua" to have the right to celebrate the funeral Mass in the presence of the body, because it cannot be said that what is done by him pertains to the strict exercise of the care of souls, and that which can be separated from him, indeed, by the common law. This is verified, for example, when the deceased has chosen, in another regular or secular church, a family or gentile burial; then, it is not the proper parish priest of the deceased, but the rector of the burying church, whoever he may be, that is, the superior, whether regular, or parish priest, or another, who celebrates the funeral Mass in the presence of the body and grants absolution at the coffin, with the single exception concerning the churches of confraternities, according to the decree of the Sacred Congregation of Rites, of December 10, 1703, to 20. To this must be added that...

[*Latin ed. p. 505*]

Saint Botnana Bota. 505. The dispensation regarding the celebration of the Mass for the deceased is so little strict in its regard for the care of souls that, by law, it is not a matter of precept; indeed, in the Roman Ritual (title VI, chapter 1, no. 4), it is stated only: "It is to be endeavored, as far as possible, that the Mass be celebrated for the deceased in the presence of his body," which cannot be said, for example, of the explanation of the Gospel, the instruction of children in Christian catechesis, or other acts that strictly regard the care of souls, and all of which are matters of strict precept. Regarding the other rights that come under the name of the right to transport the body, it is advisable to note that the funeral Mass with absolution is the principal and most important part of the funeral office, while the singing of the antiphons "Exsultabunt Domino," the sprinkling of the body with lustral water, and the designation of the time and place of the funeral are secondary parts and are ordered in relation to that same Mass; therefore, just as the celebration of the Mass, so too the other rights, like accessories, do not involve the strict exercise of the care of souls according to canon 42 of Title VI. In particular, regarding the last right, namely the designation of the time and place of the funeral, this presupposes the exercise of public and solemn parochial jurisdiction, which exercise only remotely regards the care of souls. Nor does it matter that the transportation of the body is not separated from the exercise of the care, even in the case of a chosen,

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family, or gentile burial in another church, in which case the right to transport the body does not belong to the rector of the burying church, but to the proper parish priest of the deceased. This is because the rector of the burying church, for example, a superior regular, or a parish priest from Alia, does not have jurisdiction outside the walls of his own monastery or church, or at least does not have jurisdiction in the parish of the deceased. Therefore, if particular attention is given to the law introduced by the Constitutions of Pius VIII and Pius IX, one might doubt whether it would be a good law of the Chapter. But the Fathers further noted that the argument derived from observance is to be highly valued. In the process of the Meliten Curia, which, at the request of the Chapter, was carried out by His Sanctity, witnesses, all the greater, brought forward by both sides and judicially examined, unequivocally asserted that for fifty years and more, the Chapter had constantly and peacefully exercised the disputed rights. Indeed, it is well known how much weight is given to observance in interpreting statutes, constitutions, and especially contracts, such as the transaction in our case, to which the Bull of Pius IX has added inviolable and unshakeable strength, force, and efficacy. For no one can better know the intention of the contracting parties than those who were present at the time the contract was initiated or who lived in the immediate following times. Therefore, even in canon law and especially in the Holy Roman Rota, it is said that observance is the best and most faithful interpreter of any disposition, indeed, it is...

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis. - Official Commentary. It is to be the queen of interpretations, and to remove all doubts, especially in understanding contracts. Among the more recent decisions of the Sacred Roman Rota, Decree 76, number 68, Pope Pius VII, it is stated: "No more certain interpretation can be obtained than from observance." Decree 175, number 12, Pope Pius VIII observes that "observance is called the queen of all interpretations"; which is repeated in Decree 99, number 6, Pope Pius IV, and in Decree 653, number 20-21, Pope Pius IX, Volume 2, where it is added: "Such observance must be considered as if it had been agreed upon from the beginning between the parties, for observance has the force of a new contract." It should be noted that observance does not proceed in the manner of prescription, but in the manner of interpretation, as is evident from its very nature, and from the passages soon to be quoted from the decisions of the Sacred Roman Rota: hence, it has also been decided on several occasions in the Sacred Roman Rota that the force of observance does not require it to be prescribed. Thus, in the more recent decrees, Decree 14, number 4-5, Pope Pius VII, it is stated: "This (observance) being rather an interpretation of any disposition, does not require prescription, but is sometimes sufficient if it has been observed in this way," which is repeated with almost the same

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terms in Decree 5, number 25-26, Pope Pius IX. Similarly, in Decree 154, number 6-7, Pope Pius X, it reads: "Interpretive observance best declares what the intention of the contracting parties was from the beginning, and to establish this interpretive observance, a long period of time or prescription is not required, but it is sometimes sufficient if it has been observed in this way." Also, in Decree 337, number 26-27 and Decree 334, number 30-31, Pope Pius XII. Therefore, the patron of the Chapter was wrongly confused with prescription in his defense before the court of the second instance; and the judges of that same instance, adhering to chapter 1 on prescriptions in Volume VI, state in the present case the necessity of a title; since it is not a question of prescription, a title is not required, but it is sufficient to extend the observance to such a time that the judge can prudently estimate that such observance refers to the true understanding of the Concordat and the Bulls, of which we are speaking. Therefore, in our case, the continuous and peaceful observance, not only for a long, but for a very long time, namely fifty years and more, certainly suffices to determine the true meaning of the Concordat and the Bulls, of which we are speaking. Nor can this most valid argument based on observance be undermined by the aforementioned decision of the Sacred Congregation of the day of December 20, 1902. For in that case, the question was not about rights currently in dispute, but about the rights of explaining the Gospel, of instructing children in Christian catechesis, and of celebrating Mass for the people, rights which, since they strictly relate to the exercise of pastoral care, the Sacred Congregation rightly and justly decided pertained to the vicariate of the Chapter, without any consideration of the aforementioned observance, which was about...

[*Latin ed. p. 507*]

The Roman Code of Canon Law, 507, was not continuously in force. For it was established in the proceedings that the Chapter, and more frequently the appointed vicariate, had exercised the aforementioned rights (cf. Thes., Vol. 16, pp. 1082-1085). After carefully and diligently considering all of these matters, We, the undersigned Auditors from Tournon, invoking the name of Christ, sitting for the tribunal and having only God before our eyes, do hereby decide, declare, and definitively pronounce that the proposed doubt is answered affirmatively in all respects; that is to say, it pertains to the Chapter to have the right to initiate the funeral rites through the intoning of the antiphonal "Exultabunt Domino," the right to sprinkle the body with blessed water, the right to designate the hours and routes of the funeral procession, and also the right to celebrate the funeral Mass in the presence of the body. We also decree that the expenses be borne equally by the parties. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, of

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the Council of Trent, using those executive and coercive means that may be more effective and appropriate. Rome, 7th of June, 1913. William Sebastian III, Pope. Seraphinus Many. Francis Heiner. From the Chancery, 20th of June, 1913. Rev. T. Tani, Notary of the Sacred Roman Rota.

[*Latin ed. p. 508*]

Acta Apostolicae Sedis. - Official Commentary. 508 SECRETARIAT OF STATE. LETTER TO R. P. GARNIER, "DIRECTOR OF THE 'LIGUE DE L'ÉVANGILE'," ON THE OCCASION OF THE UPCOMING FOURTH CONGRESS OF SAID ASSOCIATION, TO BE HELD IN PARIS. Reverend Father, The Supreme Pontiff rejoiced upon learning that the "Ligue de l'Évangile," founded by you twenty-five years ago, with the blessings of Leo XIII, of blessed memory, and encouraged by His Holiness himself on several occasions, is to hold its IV Congress in Paris next November, under the presidency of the Most Reverend Cardinal Amette, Archbishop of Paris. The Holy Father can only applaud the considerable development that this excellent work has achieved, and earnestly desires that it continue to produce ever more salutary fruits for the good of individuals, families, and society as a whole. Its recent elevation to a confraternity, enriched with indulgences, is further proof of the importance that the Holy See attaches to the dissemination and practical knowledge of the Sacred Book. It is beyond doubt that the subject chosen for the work of the upcoming Congress, namely "The Action of the Gospel within Society," corresponds to the desires of the Holy Father and the purpose that the members of this association propose. Therefore, the Supreme Pontiff gladly grants, along with all the congress participants and their endeavors, the Apostolic Blessing. With my best wishes for the success of such a praiseworthy undertaking, receive, Reverend Father, the renewed assurance of my devoted sentiments in Our Lord. October 16, 1913. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 509*]

509. Secretarial Office. TO THE MOST REVEREND FATHER JOHN GHESNELONG, ARCHBISHOP OF SENONENSEM, REGARDING LETTERS CONCERNING SENTIMENTS OF FAITH AND RELIGION, WHICH HAVE BEEN RAISED WITHIN THE SAID ARCHDIOCESE, AND WHICH ARE TO BE FURTHER STIRRED UP, PRESENTED TO THE MOST BLESSED FATHER.

Monsignor, The comforting and encouraging information contained in the letter from Your Eminence of September 2nd, concerning the revival of faith and religious practice in your diocese, has caused great joy to the Holy Father. Certainly, there is still a long road to travel before the popular masses return to the traditions of the past; but the courage with which a brave elite manifests its Christian sentiments and translates them into

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its conduct, cannot fail to gradually exert a salutary influence. The Holy Father applauds the joyful and confident zeal with which Your Eminence pursues a work that has already begun so auspiciously. He implores upon your person and upon your diocesans, especially upon your clergy and those aspiring to the priesthood, the best blessings from on High. I beseech Your Eminence to accept my personal congratulations and to believe in my devoted sentiments in Our Lord. September 1st, 1913.

R. CARD. MERRY DEL VAL

DIARY OF THE ROMAN CURIA

SACRED CONGREGATION OF RITES.

PARTICULAR CONGREGATION.

On November 11th, 1913, in the Apostolic Palace of the Vatican, the Particular Congregation of the Sacred Rites was held, in which the Most Reverend Cardinals, as well as the Reverend Prelates Officials, who are members of the same, discussed and gave their vote:

Regarding the doubt as to the validity and relevance of the Apostolic Process constructed in the ecclesiastical curia of Viterbo concerning the fame of sanctity or...

[*Latin ed. p. 510*]

510 Acta Apostolicae Sedis. - Official Commentary. Concerning the life, virtues, and miracles in general of the Venerable Servant of God, John Dominic Lucchesi, a professed priest of the Order of Discalced Carmelites.

2. Concerning the doubt as to whether the sentence pronounced by the delegate judge, appointed by the Most Reverend and Reverend Bishop of Tropea and Nicotera, regarding the cult never offered to the Venerable Servant of God, Michael Vito Di Netta, a professed priest of the Congregation of the Most Holy Redeemer, and concerning the observance of the decrees of Urban VIII, should be confirmed.

3. Concerning the doubt as to the validity of the apostolic process, whether the testimonies are correctly examined, and whether the documents are legitimately scrutinized in the cause of beatification or declaration of martyrdom of the Venerable Servant of God, Jerome of the Arch, of the twenty-four hours.

4. Concerning the doubt as to the validity of the processes constructed with apostolic and ordinary authority; whether the testimonies are correctly examined, and whether the documents are legitimately scrutinized

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in the cause of beatification and canonization of the Venerable Servant of God, Brother Benilde of the Congregation of Christian Schools.

SECRETARY OF STATE.

BY ORDER.

With tickets from the Secretary of State, the Holy Father deigned to appoint:

April 1, 1913. — Monsignor Giuseppe Fameli, domestic prelate of His Holiness, and the Reverend Father Enrico Benedetti, Consultors of the Holy Congregation of the Council.

October 31. — His Eminence, Cardinal Ottavio Cagiano de Azevedo, Prefect of the Holy Congregation of Religious. — The Reverend Fathers Mariano Fernandez of the Minor Orders and Ludovico Rivet of the Society of Jesus, Consultors of the same Congregation.

November 3. — Monsignor Alfonso Alessandro Nouel, Archbishop of San Domingo, Apostolic Delegate of Cuba and Puerto Rico.

November 9. — Monsignor Luigi Sincero, Auditor of the Holy Roman Rota, and Monsignor Professor Salvatore Luzio, Consultor of the Holy Congregation of Religious.

With Apostolic Briefs, the Holy Father deigned to appoint:

Apostolic Protonotaries, as if participating:

October 11, 1913. — Monsignor Michele Colucci, canon theologian of the cathedral of Lucera.

October 13. — Monsignor Vincenzo Pecorelli, canon of the cathedral of Policastro.

October 18. — Monsignor Giovanni Battista Murray, vicar general of the archdiocese of Cincinnati.

[*Latin ed. p. 511*]

Diarium Romanae Curiae. 51st List of Domestic Prelates of the Holy See: July 26, 1913. — Monsignor Anthony Pottier, canon of the Liberian Basilica. September 25. — Monsignor Giuseppe Goni, of the diocese of Vittoria (Spain). October 4. — Monsignor Peter Norza, vicar general of the diocese of Biel. October 22. — Monsignor Ladislaus Kochowski, rector of the Polish hospice in Rome. By letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Secret Chamberlains of the Holy See: October 19, 1913. — Monsignor Francesco Hrubik, of the archdiocese of Prague. — Monsignor Francesco Òerny, of the same archdiocese. — Monsignor Charles Hilgenreiner, of the same archdiocese. — Monsignor Candido Petrini, of the diocese of Lugano. November 5 — Monsignor Gerolamo

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Piccione, of the diocese of Acqui. Honorary Secret Chaplain of the Holy See: October 25, 1913. — Monsignor Stephen Schultz, of the diocese of Alba Reale. Honorary Chamberlain outside of Rome: October 29, 1913. — Monsignor Giuseppe Stubendeck, of the diocese of Rosnavia. Honorary Chamberlains in purple vestments of the Holy See: October 5, 1913. — Monsignor Francis of Assisi Pires, of the archdiocese of Bahia. — Monsignor Joachim Ayres de Almeida Freitas, of the same archdiocese. — Monsignor Manoel Olympio Pereira, of the same archdiocese. — Monsignor Moses Gonçalves do Couto, of the same archdiocese. October 21. — Monsignor Rudolph de Oliveira, of the archdiocese of Marianna (Brazil). October 22. — Monsignor Thomas Panigada, of the archdiocese of Lucca. November 5. — Monsignor Louis Battelli, of the archdiocese of Urbino. — Monsignor John Bjazic, of the diocese of Sebenico. Honorary Secret Chamberlain with Sword and Mantle, extraordinary: October 30, 1913. — The Most Noble Count Vincenzo Maria Petrangolini, of the archdiocese of Urbino.

[*Latin ed. p. 512*]

512 Acta Apostolicae Sedis. - Official Commentary. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Pius: November 6, 1913. — To His Excellency, Mr. Don Firmino Calbetón y Blanchón, formerly Ambassador of Spain to the Holy See. The Grand Cross of the Order of Saint Sylvester: October 22, 1913. — To Mr. Antonio Thonier, of the diocese of Moulins. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil class: October 14, 1913. — To Mr. Baron Maximilian Reinlein-Marienburg, of Vienne. The Commander's Cross of the Order of Saint Gregory the Great, civil class: October 11, 1913. — To Mr. Peter Thibaut Maria Charles, Marquis de Tristan, mayor of Cléry in the diocese of Orléans, in Naila. The Knighthood of the Order of Saint Gregory the Great, civil class: October 14, 1913. — To Mr. Doctor Edward L. Keyes, of the archdiocese of New York. October 18. — To Mr. Thomas W. Hynes, of the diocese of Brooklyn. October 22. — To Messrs. Arturo d'Auteroche and Marcello Devaulx, of the diocese of Moulins. November 4. — To Mr. Louis van Asten-van Thiel, of the diocese of Bois-le-Duc. The Knighthood of the Order of Saint Sylvester: October 18, 1913. — To Mr. Alfonso Luy, Sergeant Major of the Pontifical Swiss Guard, in Guardiagrele.

NECROLOGY. October 1913. — Monsignor Francesco Maturino Guichard, titular Bishop of Torone and Apostolic Vicar of Kuy-Tcheou.

[*Latin ed. p. 513*]

Year V. - Vol. V. December 20, 1913. No. 18. ACTAPOSTOLICAE COMMENTARII OFFICIALIA ACTA PII PP. X EPISTOLAE.

I. TO THE MOST BLESSED FRANCIS LEWIS VEUILLOT, who, at Veuillot, has shown the most filial devotion to his father, offering him the last

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portion of his life in the service of veneration.

My dear Son,

It is with a most sweet and great satisfaction that We have received the tribute of the final part of "The Life of Louis Vernilo!", your uncle, and We congratulate you from the bottom of our heart for having brought this work of such high importance to so happy a conclusion, a work left unfinished by your most worthy father. The publication of your beautiful work could not have come at a more opportune time, since it precedes by only a short time the memorable date of the centenary of the birth of that eminent Catholic publicist, whose name is now gloriously fixed in history.

Following the example of the two Popes who preceded Us on this Apostolic See, and especially of Pius IX, of blessed memory, it pleases Us to render testimony to this great man of virtue, an irreconcilable defender of the rights of God and the Church. With the flame of his apostolic zeal, he entered the arena, adorned with the precious gifts that make the writer, the artist, and the genius thinker, by which he equaled and surpassed the most illustrious Masters; for, ACTA, vol. V, n. 18. — 20-12-91S. 3(i)

[*Latin ed. p. 514*]

514 Acta Apostolicae Sedis. - Official Commentary. In the holy battles for the defense of sacred principles, his pen was both a sharp sword and a bright torch. What fueled the vigor of his mind, what enveloped him in light, what multiplied his energy a hundredfold, were, along with his profound faith, his love for the Church, of whose triumph he desired, and his love for his homeland, which he wished to remain faithful to God. Guided by this faith, inspired by this double love, he knew how to repel as impiety any diminution of the sovereignty of Jesus Christ and any renunciation of the teachings of the Apostolic See. He understood that the strength of societies lies in the full and complete recognition of the social royalty of Our Lord and in the unreserved acceptance of the doctrinal supremacy of his Church. With what upright and proud spirit, with what indomitable heart, he proclaimed, on these fundamental matters, the most courageous declarations, confessing without hesitation and without reservation the Catholic truth, never wishing to distinguish between the rights that the modern world admits and those that it claims to proscribe. With what generous frankness, he knew how to expose the liberal theories, with their so disastrous deductions, in the sophisms concealed under the name of freedom. Convinced that the nation which, through the centuries, bears the name of the eldest daughter of the Church, owes to its faith, to its genius, to the logic of its history, the recognition in their fullness of the rights of the Holy See and the authority of the Roman Pontiff, he applied himself with all the ardor of his soul to dispel the prejudices and equivocations of Gallicanism, and was of powerful aid in the great movement towards the Apostolic See that marked his time. No one is ignorant of the perseverance with which

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he always rose up against the perverted minds that attacked the living sources of Christian traditions, the strength and glory of his homeland. It is certainly a great honor for a servant of the Church to have, for nearly half a century, projected upon the events that succeeded each other in the world the pure light of Catholic doctrine, and to have relentlessly pursued error, both that which is displayed in broad daylight and that which lurks in the shadows. He retains the merit and the glory of having done so with the courage, the zeal, and the enthusiasm of a man who possesses the Truth and who knows that this Truth has imprescriptible rights. He retains the merit and the glory of having done so in obedience and discipline, his gaze fixed on the directions of the Holy See. He retains the merit and the glory of having done so with complete selflessness, never yielding to seductions, praise, or promises, braving unpopularity, intrigues, and antipathies.

[*Latin ed. p. 515*]

The Acts of Pope Pius X, 515, recount the calumnious accusations of his adversaries, and at times, even the disapproval of his companions in arms, "rejoicing that he had been found worthy to suffer affronts for the Name of Jesus" (Acts, V, 41). His entire career serves as an example worthy of being presented as a model to those who strive for the Church and for holy causes, and who are subject to the same contradictions, the same outbursts of passion. May they, like Louis Veuillot, be proud of their titles as Christians and servants of the Church; may they know that God will fight with them and will grant them victory at the hour marked by His Providence. With the testimony of our entire satisfaction, We grant to you, most dear Son, as a pledge of heavenly favors, to you and to all the members of your family, to all the descendants of Louis Veuillot, the Apostolic Blessing. Given at Rome, near Saint Peter's, on the 22nd of October, in the eleventh year of Our Pontificate. PIUS PP. X. TO BERNARD MARTÍNEZ, MODERATOR OF THE CONGREGATION COMMONLY CALLED "TALLERES DE CARIDAD DE SANTA RITA DE CASIA," CONCERNING THE EXTENSION OF SAID CONGREGATION TO THE REGIONS OF LATIN AMERICA. Dear Son, greetings and the Apostolic Blessing. — You have requested from Us Apostolic Letters "Multiplices" by which We extend the Congregation commonly called "Talleres de Caridad de Santa Rita de Casia," founded in Madrid, to all the diocunes of Spain, and to whatever regions of Latin America We may designate, and that on the 22nd of May, in all churches and chapels in which the aforementioned Congregation is canonically established and depends on the Central Council of Madrid, the solemn Papal Blessing may be solemnly imparted to the people each year. We gladly grant these requests. For We know well the zealous activity of the pious women who are enrolled in the aforementioned Congregation, and with what dedication they pursue the works they have undertaken. And while We rejoice in the Lord and sincerely congratulate you and them, We add

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our hope that, with the growth of similar institutions, they will spread more widely.

[*Latin ed. p. 516*]

Acta Apostolicae Sedis. - Official Commentary. May similar works of charity flourish, and may the fruits of that beneficence, which our age so greatly needs, be multiplied, and may you, under the auspices of the Church and with its benevolent inspiration, continue to promote such endeavors with such eagerness. May the blessing, which we, as a testament to the divine gifts and Our benevolence, impart to you, beloved Son, and to all members of the Congregation which you direct, be a constant blessing in the Lord. Given in Rome, near St. Peter's, on the eighth day of November, 1913, in the eleventh year of Our Pontificate. PIUS PP. X.

To the Most Reverend Doctor NICOLAUS SEBASTIANI, Professor of Latin in the Lateran Seminary, for the reverent presentation of the first volume of the work of Alberto Tesnière, entitled « Somme de Prédication Eucharistique », translated into Italian, and for the previously submitted « Summarium Theologiae Moralis ».

Beloved Son, greetings and the Apostolic Blessing.

Alberto Tesnière, a priest of the Congregation of the Most Holy Sacrament, has published a series of volumes containing a comprehensive summary of matters pertaining to the preaching of the Eucharist. Our predecessor, may he rest in peace, rendered him not an ordinary tribute, but recognized that he had undertaken a most excellent and useful work for those who would be engaged in expounding this great Mystery of Faith, and especially for preachers. He confirmed this, when he brought forth, one after another, the books which he intended to publish, and, as we hear, they have been received with great approval and praise, especially by many Bishops, particularly from France.

Indeed, this author seems to have been greatly inspired to foster the fervor of spirits, now aroused by the grace of God, towards the august Sacrament, and we know that he is imbued with the study of the Eucharist and the spirit of his legal Father. Therefore, his writings have been wisely arranged to be disseminated more widely, and it has been decided that they should be made available to as many as possible in Italy, having been contracted by you and translated into the Italian language.

We are pleased to see that you have made a good and auspicious start to this undertaking, as can be seen from the book which you recently published; and we encourage you to continue with the same diligence in other matters. You have indeed undertaken a great and laborious work; but, let piety prevail, the thought of the benefits which it will bring to others.

[*Latin ed. p. 517*]

517 The acts of Pope Pius X should console you for all the hardships of

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your labor. And in this place, it is fitting to mention another fruit of your ingenuity and skill, namely, the *Summa theologiae moralis*. For, as we have learned, it is highly esteemed among the learned for the sincerity of its doctrine, the abundance of its content, the clarity of its presentation, and the concise order with which it is arranged. Therefore, it is a fitting reason for us to congratulate you; and we do so with all our heart. As a testimony of our paternal benevolence, may you have our apostolic blessing, beloved son, which we impart to you most earnestly. Given in Rome, at St. Peter's, on this tenth day of December, in the eleventh year of our pontificate. PIUS PP. X.

SACRED CONSISTORIAL CONGREGATION

CITY OF «GALATINA»

ARCHDIOCESE OF HYDRÜNT

IS SUBJECT TO A SPECIAL INTERDICT.

Having received news of the sacrilegious aggression to which the venerable Archbishop of Otranto, Monsignor Giuseppe Ridotti, was subjected, this Sacred Congregation, deeply saddened by the very grave offense committed by so great a part of the people of Galatina, for the purpose of due punishment, with the approval of the Holy Father, decrees the imposition of a general local and personal interdict upon the city and its surrounding territory of Galatina, to be counted from the publication of this decree until due reparation has been made for the evil committed. For this censure, the following are prohibited in the churches of Galatina and its surrounding territory:

I. Functions. The celebration of the Holy Mass, along with all other sacred rites.

II. The ringing of bells.

III. The public administration of the Sacraments.

IV. Solemn funerals.

[*Latin ed. p. 518*]

Acts of the Apostolic See. - Official Commentary. 518 It is permitted only: I. The administration of Baptism to children and the other Sacraments with the Most Holy Viaticum to the sick. II. The private celebration of Marriages. III. Only one Mass per week for the renewal of the Most Holy Eucharist. Furthermore, it is noted that, if those who violate the interdict sin gravely, the priests incur irregularity. Rome, from the Sacred Consistory Congre-

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gation, December 10, 1913. C. CARD. DE LAI, Secretary. Ioannes Baptista Rosa, Substitute. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. Appointed by the Decrees of the Sacred Congregation for the Propagation of the Faith: October 8, 1913. — Reverend Father Petrus Noyen, of the Society of the Divine Word from Steyl, appointed Apostolic Prefect of Instilar, Sondae. November 25. — Reverend Father Willibrordus Lay, of the aforementioned Society of Saint Othmar in central Bavaria, appointed Apostolic Prefect of Lindien, in Africa.

[*Latin ed. p. 519*]

519 [Sacred Congregation of Rites. SACRED CONGREGATION OF RITES IN ROME. FOR THE APPROVAL OF THE CALENDAR OF THE MOST HOLY CITY AND ITS DISTRICT.] The present Calendar of the universal Church, with additions and variations proper to the Roman clergy, having been prepared according to the rubrics and decrees, especially the Motu Proprio of October 23, 1913, and the subsequent decrees of the same month and year, and having been presented by the Most Eminent and Most Reverend Cardinal Basilio Pompilj, General Vicar in the City, the Sacred Congregation of Rites, after due examination, judged that it could be approved. These matters having been reported in writing by the secretary of the Sacred Congregation of Rites, the Most Holy Pope Pius X declared the aforementioned Calendar, with the stated additions and variations, to be approved; and He graciously granted and prescribed that it be observed by the entire clergy of the Most Holy City and its district from the year 1915. Furthermore, His Holiness commanded that such a Calendar be used by the Roman clergy in the patriarchal basilicas of the Lateran Palace and St. John Lateran, as well as in the smaller basilicas of the city, in collegiate churches, and in other churches not exempt, and also in religious families residing in Rome which do not have their own Calendar; granting them the power to add their respective feasts according to the rubrics and decrees; provided, however, that the list of these feasts, prepared by the Instruction of the Sacred Congregation of Rites of December 12, 1912, and presented for revision within the following month of March in the year 1914, be first approved by Apostolic authority. All contrary decrees notwithstanding. December 10, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. S. Petrus La Fontaine, Bishop of Chari, Secretary.

[*Latin ed. p. 520*]

5£0 Acta Apostolicae Sedis. - Official Commentary. CONCERNING THE CITY OF CORISOPITEN. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, MICHAEL LE NOBLETZ, PRIEST AND MISSIONARY. Regarding the Doubt: Whether it is established that the virtues of faith, hope, and charity, both towards God

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and towards one's neighbor, as well as the cardinal virtues of prudence, justice, fortitude, and temperance, and those things connected with them, were practiced in a heroic degree, in the case and concerning the person about whom we are speaking. Among the illustrious men, worthy of praise by the Church, the servant of God, Michael Le Nobletz, undoubtedly deserves to be mentioned, whose name lives on from generation to generation in Armorica, or Brittany. Born of a noble family on September 29th, in the year of our Lord 1577, in the castle of Kerodern, in the diocese then of Leonensis, now of Corisopitensis, his father was Hervaeo Le Nobletz, and his mother was Francisca Lesguernes. From his earliest childhood, he was educated piously, and he bravely overcame the dangers and the fervor of his youth, wonderfully aided by the most blessed Virgin, Mother of God, whose protection he constantly enjoyed, so that he shone among his equals with modesty, gravity of manner, and purity of morals. The Virgin Mother herself, as it were, encouraged and guided him to dedicate himself entirely to Christ the Savior, solely serving the Church and the salvation of souls. He first studied with certain pious priests, and then with the Fathers of the Society of Jesus, in letters and philosophy, in which he excelled, and having successfully completed these studies, he diligently cultivated theology and the sacred Scriptures and the sacred canons, with such success that he was far ahead of his fellow students. This led to the father of Michael, with great hope, expecting considerable worldly advantages from his son, since the Bishop of Leonensis had already spontaneously offered him a large ecclesiastical benefice. However, the most pious young man steadfastly refused this, not so much because he disapproved of his parents, but because he was driven from his paternal home, and was forced to pasture flocks. But not broken by such an affront, rather inflamed with greater fervor, having rightly understood that the prosperity of the world was nothing, and that one must only be a true imitator of the poor Christ, he followed the advice of a prudent man, and, with the blessing of his father, who had also become more amenable, he went to Paris to perfect his theological studies, and there, when he was thirty years old, he was ordained a priest. Soon after, he withdrew to a solitude in a place called Tremenach, in his native region, near the sea, where he...

[*Latin ed. p. 521*]

The Holy Congregation of Bishops. For 521 years, having led a life of solitude, he prepared himself for missions through austerity of life, sacred studies, and constant prayer. This manner of living so moved even his own parents that they were deeply affected by a contempt for the world and a desire for heavenly things. In order to follow the example of his bishop, he diligently accepted the office of parish priest in several places. But shortly afterwards, moved by the persuasions and prayers of a certain friend and former schoolmate, named Peter Quintin, who had entered the cloister of St.

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Dominic, Michael himself also decided to embrace the same holy Order. He was therefore received into the novitiate of the Order of the Friars Preachers at Monteu da Po. However, not without divine providence, he was dismissed after a few months, when he observed that the Christians living in Armorica were almost forgotten in their religion, serving superstition and decaying in corrupt morals due to their ignorance of the true faith. Deeply grieved, he devoted himself entirely to their instruction and care, sparing no effort for over forty years, neglecting no diligence. He especially used a very ingenious method for catechizing the uneducated, namely, tables of piety which he himself composed in such a way that the principal tenets of Christian doctrine were presented as if before their eyes, and with a simple addition of explanation, they could be easily understood even by children and uncultured people. It is therefore not surprising that a great multitude of people from all sides flocked to him. But the most bitter enemy of human salvation, who goes about like a roaring lion seeking whom he may devour, never ceased to fiercely persecute this fearless Apostle, whose works were gradually forcing him to leave Armorica. But he also accomplished this through secret machinations, so that Michael attracted the hatred and envy of some, who, when they saw the happy outcome of his labors, sought to harm him with calumnies, so that the Servant of God was repeatedly driven from place to place, even beaten and sought after for death. He bore these adversities and vexations so patiently that he gave thanks to God and prayed for his persecutors who were preparing snares for him. Indeed, he used all his authority to prevent faithful people, who sometimes wanted to forcibly restrain his adversaries, from carrying out such a plan. And when, finally, yielding to the calumnies, he was ordered by the Vicar General of Corisopitensis to leave the place of Douarnenez, from which he had spread the benefits of his apostolic zeal for twenty-five years, the humble and truly obedient man himself, kneeling before his friends, read the letters of the Vicar General, and without delay or complaint, boarded a small boat and set sail for Conquestum. He also practiced great abstinence, always poor and a lover of poverty, yet excelling in Christian charity, so that when he saw a neighbor in need, he would collect a handful of straw, or even give away his own food, to help him! Indeed, if other things were lacking, he sometimes even gave away his own clothes. This burning love for his neighbor...

[*Latin ed. p. 522*]

522* Acta Apostolicae Sedis. - Official Commentary. Charity, with the greatest fervor, yearned for God, and this charity had generated [good works], constantly increasing them. Having grown old, and having saved many souls from ruin, and feeling that death was approaching, deeply concerned about the future of the missions which he had so successfully established, he earnestly prayed to God, asking Him to deign to grant him

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a successor to continue his apostolate. And he was not disappointed; for, illuminated by divine light, he recognized a man chosen by God for this purpose from the illustrious Society of Jesus, who was Father Julian Maunoir, a man so distinguished by every virtue and zeal for souls that even his cause for beatification is being pursued in this court. With great dedication, Michael associated him with his work, entrusting him with the methods and rules which he himself used in conducting missions, always striving to promote the salvation of souls for the greater glory of God. Finally, the Servant of God, having already passed his seventieth year, broken down by his labors, after a long illness in which he was both afflicted by the devil and wonderfully imitated the infant and patient Christ, refreshed by the sacraments of the Church, peacefully fell asleep in the Lord on May 5th of the year 1652. The news of his death spread quickly, and all, even his adversaries, agreed to praise him, proclaiming him a father of the people of Brittany, admiring the sanctity of his life, and frequently attending his funeral. The body of the deceased, as he had requested, was first taken to Locmaria, and there, contrary to his will, it was not buried among the poor, but in a distinguished tomb; in the year 1858, with the permission of ecclesiastical authority, it was transferred to the new parish church of Kérinec. Furthermore, as the reputation for sanctity, with which the Servant of God enjoyed life and after death, increased day by day, after the preliminary investigations required by the Congregation for Sacred Rites, in accordance with the Apostolic Constitutions, the virtues of the Venerable Servant of God were discussed three times: first in the house of Cardinal Sebastian Martinelli, Prefect of the Congregation and Relator of the Cause, on December 3rd of the year 1912; then in Vatican on March 11th of the year 1913; and finally, at the general meetings before our most holy Pope Pius X on July 29th of the same year 1913. In these discussions, the Most Reverend Relator proposed the question: "Do the virtues theological virtues, Faith, Hope, and Charity in God and in neighbor, as well as the cardinal virtues, Prudence, Justice, Temperance, and Fortitude, and those virtues annexed to them, of the Venerable Servant of God Michael Le Nobletz, appear in a heroic degree, in the case and for the purpose under consideration?" Each of the Most Reverend Cardinals and Consultors present gave their vote. However, our Lord postponed giving his judgment, seeking to obtain an abundance of heavenly light.

[*Latin ed. p. 523*]

The Holy Congregation of Rites. This very day, after the offering of the most holy Sacrifice of the Mass, His Eminence, Cardinal Sebastian Martinelli, Prefect of the Congregation of Sacred Rites and Relator of the Cause, Reverend Father Alexander Verde, Promoter of the Holy Faith, and I, the undersigned Secretary, were solemnly summoned to this hall of the Vatican Basilica, and the following decree was read: It is established that the

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virtues of faith, hope, and charity in God and in one's neighbor, as well as the cardinal virtues of prudence, justice, temperance, and fortitude, and all that is connected with them, are present in the venerable servant of God, Michael Le Nóbletz, in a heroic degree, in the case and with respect to the matter under consideration. This decree was ordered to be promulgated and recorded in the acts of the Holy Roman Church on December 14, 1913. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Reverend Father Petrus La Fontaine, Bishop of Charyst, Secretary. SACRED ROMAN ROTA, SEGUSINA. REGARDING THE RIGHT TO CELEBRATE ADVENT MISSES. During the blessed reign of Pope Pius X, in the tenth year of his pontificate, on July 12, 1913, the Most Reverend Fathers, Antonius Peratlioner, presiding, Iosephus Alberti, and Petrus Rossetti, Auditors of Tournon, in the case of Segusina, regarding the right to celebrate Advent Masses, between the Reverend Father Antonius Tonda, rector of the Cathedral of Segusina, represented by his legitimate procurators, Reverend Father Antonius Lombardi and Reverend Father Carmel Conte, advocates, and the Reverend Father Petrus Vigliane, rector of the church of Suffragio, represented by his legitimate procurator, Reverend Father N. Patrizi, acting ex officio, the following final judgment was rendered. In the year 1890, in the city of Segusina, the cemetery that adjoined the church of Gracias, an auxiliary church to the cathedral, was moved by the Municipality, in accordance with the hygienic laws in force, to a location far from the city. For the purpose of conducting funerals, which were previously held in the aforementioned church of Gracias, the church of Saint Charles was designated as a temporary location; however, a few years later,

[*Latin ed. p. 524*]

524 Acta Apostolicae Sedis. - Official Commentary. The municipal authorities deemed the location unsuitable. Consequently, the municipality desired that funerals be celebrated in the cathedral church; however, the Chapter refused to permit this. Therefore, the bishop of that time, named Edward Rosaz, in order to resolve the difficulties and disputes, and with contributions from the faithful, decided to erect a new church near the road leading to the cemetery. This new church, under the title of the Blessed Virgin of Succor, began to serve divine worship in the year 1900. In the same year, the Reverend Peter Viglione was the pastor of said church, who, after the death of Bishop Rosaz, i.e., after almost five years, requested of the new Most Reverend Charles Marozzi, that he be permitted to celebrate Mass without the consent of the parish priest, which he had previously not dared to do because of the decree of Bishop Rosaz, cited below. The bishop agreed, but at the same time warned the priest Viglione of the complaints that the Reverend Anthony Tonda, the prelate and parish priest of the cathedral church, would likely make. Indeed, said prelate protested, asserting that, due to a custom prevailing in the Segusina diocese, a rector

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of a non-parochial church did not have the right to chant such Masses without the permission of the parish priest, and he instituted legal action in the Segusina court, which, with a judgment delivered on July 20, 1908, awarded said right to the priest Viglione. From this judgment, the prelate appealed to the Sacred Congregation of the Council, which, however, referred the matter to the Sacred Roman Rota, which, on April 6, 1909, considered the following question: "Does the priest Viglione, as rector of the church of Succor, have the right, even in the case of funeral Masses, to celebrate Masses without the permission of the parish priest?" It answered in the negative. The priest Viglione, exercising his right according to canon 33, number 2 of the proper law, appealed to the immediately following turn, which overturned the aforementioned judgment of the Rota on March 5, 1910. However, when the prelate Tonda petitioned the Apostolic Signatura and obtained the restoration of the case in its entirety, the question is now again raised under a new and more general form: "Does a legitimate custom exist, by which the chanting of Masses is prohibited in non-parochial churches without the permission of the parish priest, both in the city and in the Segusina diocese, in such cases?" Regarding the right, the authorities primarily observed that it is permissible for the rector of a non-parochial church to celebrate those sacred rites without the consent of the parish priest, which are not to be considered strictly parochial. The Sacred Congregation of Rites declared in the decree Urbis et Orbis, of December 10, 1703, in which, under number 10, the question was raised: "Whether the celebration of Masses throughout the year, either for the living or for the dead, is of the parochial rights," that it is not.

[*Latin ed. p. 525*]

The Roman Rota. 525 "Regarding those parochial rights?" The answer is: No, as it stands. According to the aforementioned decree (n. 20), only the parish priest is obligated to perform the funeral rites. Therefore, all commentators of this decree agree that, except in the case of a funeral with the body present, all other Masses that are customarily celebrated on the third, seventh, or thirtieth day, or on the anniversary, can be celebrated by the pastors of other churches, without the parish priest being required. This is also confirmed by a declaration of the Holy Congregation of Rites, according to which the rights of the parish priest are not violated if, after the funeral rites (without a Mass) have been performed in the parochial church, the heirs or relatives have a Mass celebrated in another church, especially a religious order, and it is also permissible to invite relatives, friends, etc. (S. R. C, May 13, 1879). Furthermore, it is up to the heirs or relatives to decide whether or not to hold the funeral rites on the third, seventh, and thirtieth days, as they wish (same Congregation, July 24, 1638. Cf. also Alberti, 'Theological Handbook for Pastors,' Vol. V, p. 65, VII). However, in some dioceses, a contrary custom may exist that derogates

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from the common law. The aforementioned decree, "Urbis et Orbis," of December 10, 1703, did not intend to impede or restrict the jurisdiction of the bishops in this matter, as declared by Benedict XIV (Inst. 105, § 5. Cf. also Berardi, On the Parish Priest, p. 358, n. 3). Therefore, in the present controversy, the question is only whether, in the diocese and city of Susa, there exists a custom contrary to the common law and legitimately established, regarding the singing of additional Masses. Custom is one thing, and law is another: custom is the frequent repetition of similar acts by a community, while law is the right itself that arises from this frequency. However, in order for a custom of fact to become a custom of law, it must be introduced by a significant portion of the community, and it must be practiced frequently and constantly, without interruption. Furthermore, the custom must be reasonable, i.e., in accordance with the nature and spirit of the Church, and it must be legitimately established, i.e., it must last without interruption for a period established by law. However, this condition is not required if the legislator has given his express or tacit consent (Wernz, Vol. I, p. 286). If, however, we are speaking of general or legal consent, the consent of the legislator is improperly presumed before the certain and determined time for legal consent has elapsed. According to the discipline currently in force, canonists commonly require forty years to establish a custom contrary to the law, while a few assert that ten years are sufficient. The existence of a particular custom, being a matter of fact, is not presumed, but must ordinarily be proven by the party alleging it, unless it is public and well-known (Cf. Schmalzgrueber, chap. 1,1, 2, n. 33). And...

[*Latin ed. p. 526*]

526 Acta Apostolicae Sedis. - Official Commentary. The conclusion is reached through the proof of custom, either by authentic documents of the Ordinaries, or by synodal statutes in which the alleged custom is recorded, or by at least two trustworthy witnesses. Specifically, for the proof of an immemorial custom, it is required that the witnesses testify that they have observed the custom for at least 40 years, and that they have heard from their elders that the custom has always been observed, without having seen or heard of anything being done to the contrary. On this matter, Cardinal De Luca (De Iurisdict., 1. 3, p. 2, n. 16) states: "The principal and essential requirement of an immemorial custom is that the witnesses, after reaching the age of reason, testify to having observed the peaceful possession for forty years, deducting the time of the litigation, without anything having been said or heard to the contrary, according to the famous Gloss, in cap. De Praescribi., in VI, which is recited daily in the forum" (Cf. Reiff., h. t. n. 8; Wernz, vol. I, p. 290 sq.). In these matters before the Lord Auditors, it was noted that the Prefect of the cathedral church of Segusina was attempting to prove a custom, first through authentic documents, and then through the testimonies of witnesses. And first, through authentic documents. In

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the year 1728, on the days of October 19th and 20th, a diocesan synod was held in the cathedral of Segusina, when it was still an Abbey of Nullius, in which, in chapter XV concerning churches and oratories, the following statute was enacted: "In order that the parochial dues may be observed by the filial churches, we decree that on the more solemn feasts, no one shall be permitted to celebrate in the field chapels without our or the parish priest's permission, under pain of suspension, nor at any time in these or other places, except by the order of the parish priest, shall the parochial functions and services customary to the parish priests be performed, nor shall Mass be celebrated with unauthorized singing." This synod enacted this statute notwithstanding the decree of the Urbis et Orbis of December 10, 1703, issued by the Most Holy Roman Pontiff, which permitted the singing of Masses in non-parochial churches. From this, it may be concluded that at that time, in the diocese of Segusina, there already existed a custom of not singing Masses without the consent of the parish priest. And indeed, this custom in the diocese of Segusina is very ancient, as evidenced by a document completed on May 15, 1477, and finally discovered in the year 1911, from which the following is extracted: In the parish of the place called Salbertrand, the citizens wished to establish a new oratory, in which Masses would also be celebrated; but the parish priest refused. Finally, by common agreement, it was decided that the aforementioned citizens should be allowed to sing Masses in the new oratory on weekdays without the permission of the parish priest, but they should not be allowed to...

[*Latin ed. p. 527*]

5. Bomana Bofa. On days of solemnities and festivals of all the Apostles, without permission, [they] wished and had the authority of the aforementioned present curate and his successors. Therefore, in the year 1477, the custom already existed of not singing Masses without the permission of the parish priest. For if this custom had not existed, the parish priest could not have prevented Masses from being sung in the newly erected oratory, nor would the townspeople have consented to not singing Masses on Sundays and holidays without the permission of the parish priest. And certainly, because of this memorable custom, the diocesan synod of the year 1728, contrary to common law, forbade singing Masses in non-parochial churches without the parish priest. We have already indicated above that this prohibition by the synod of 1728 was properly enacted, notwithstanding the decree "Urbis et Orbis" of 1703, where we stated that that decree did not intend to restrict the bishop's jurisdiction in this matter. Therefore, from the synodal decree of 1728, at least began the custom of fact, by virtue of which rectors of non-parochial churches are forbidden from singing Mass without the permission of the parish priest. This custom, with very few exceptions, has persisted, as is evident from the decree of Bishop Segusini Rosaz of July 13, 1885, which, among other things, states: "... The synod convened by the

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Abbey of St. Michael of 'Ghisa, which today belongs in large part to our diocese, in chapter XXI, no. IV, page 103, states: 'The priest chosen by them [the confratres] must be approved by Us, and he may neither sing Mass nor hear confessions in their [confratres'] temples, unless with the consent of the parish priest.' The same thing had almost been decreed by the synod of the same Abbey in 1761, chapter VII, page 52, in which matter the recent synods of several Subalpine dioceses are also in agreement, so that it appears to presuppose a very ancient custom widely received throughout the Subalpine region... This memorable custom, by virtue of which chaplains are not permitted to celebrate Mass with singing without the consent of the parish priest, undoubtedly prevails in this our city, although our synod is entirely silent on this matter, since worthy and faithful men testify to it, such as the priest of Riva, who from the year 1829 to the year 1849 was a chaplain of the confraternity of the Holy Spirit, and affirms that he constantly followed this practice, both because he had heard from his two predecessors that it had always been observed, and because, having once been accused before the bishop of violating it, he was summoned by the same bishop to clear himself, and was strictly forbidden from acting as if he were a parish priest and celebrating such Masses without written permission from the bishop; also, the Reverend Joseph Prevez, canon of our cathedral, who held the office of curate in this city from the years 1847-1850, and who also affirms, from the custom received, that whenever a Mass with singing was...

[*Latin ed. p. 528*]

528 Acta Apostolicae Sedis. - Official Commentary. "It was to be celebrated, having repeatedly requested permission from the parish priest; if this was omitted, 'the parish priest complained as if his right had been violated'; finally, Ignatius Del-lavedova, aged 72, who had previously served as a singer and sacristan." Therefore, by this decree, the bishop approves the custom regarding the singing of Mass in churches other than the parish church in the diocese of Segusina, citing two synods held in the years 1761 and 1879 in its favor. In the aforementioned decree, no mention is made of the synodal decree of the year 1728; indeed, it expressly states that the synod held in the year 1828 made no mention of the custom regarding the singing of Mass in churches other than the parish church. However, this does not diminish the validity of the existing custom, for the synod of the year 1828, if not expressly, tacitly admitted the prohibition of the Masses in question, whose decrees are said to have been transcribed almost verbatim by the synod of Taurinensi. The bishop, Rosaz, who "is considered to be excellently informed about the laws of his diocese," in the aforementioned decree of July 13, 1885, states: "In the synods that preceded ours, we were guided by the laws of neighboring dioceses." In the aforementioned synod of Taurinensi, the prohibition of the Masses in question is expressly con-

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tained. Furthermore, it is not surprising that neither the synod of Segusina of the year 1828 nor the decree of Bishop Rosaz of July 13, 1885, made express mention of the prohibition established by the synod of Segusina of the year 1728. For it is easily assumed that the synod, held over 100 years, or respectively 157 years prior, had left no memory. Indeed, the oldest volume containing the aforementioned synod of the year 1728 was only found by chance in the library of the seminary of Segusina in the year 1907. From the documents presented thus far, it follows that the custom whereby the singing of Mass in churches other than the parish church is prohibited without the permission of the parish priest in the diocese of Segusina, has acquired the force of law by the will of the ecclesiastical legislator. Full confirmation of this custom is found in the new instruction issued after the restoration of the case to its entirety. It is lengthy to recount the depositions of each witness. It suffices to note that over forty parish priests and priests, distinguished by piety, prudence, and zeal for souls, have testified that in the city and in the diocese of Segusina, there is a uniform, never interrupted, and from time immemorial observed custom of not singing Mass in non-parochial churches without the permission of the parish priest. The witnesses, with a unanimous voice – as at least some of them state – assert "that no beneficiary has sung or attempted to sing Mass without the authorization and agreement of the parish priest"; "that no chaplain has ever claimed such a right, nor has anyone sung..."

[*Latin ed. p. 529*]

St. Bonaventure, Book 5, Chapter 29: "Celebrating Mass without having obtained explicit permission from the parish priest"; "that the custom of singing Missae cantatae has always been 'to the advantage of the parish priest'"; "that in the diocese of Susa, the custom exists whereby it is exclusively reserved to the parish priests to sing Missae cantatae, even outside of the parish churches, so that no priest can sing such Masses without express permission from the parish priest"; "that this custom exists both in the city and in the diocese," and similar statements. These witnesses not only testify to the present custom, but also assert that this custom is ancient, indeed, of very long standing. Indeed, some witnesses have been presented who seem to testify against the custom in question. But these witnesses were induced, through deceit, threats, and trickery, to testify against the custom, while others, who had previously testified to the existence of the custom, were compelled by the same means to retract their testimonies. Therefore, it is wrongly objected that the signatures of the parish priests in favor of the custom were not free or voluntary, but were extorted by force and fear. On the contrary, the new instructions show that threats and deceptions were used by that party which opposed and denied the existence of the custom of not singing Missae cantatae without the permission of the parish priest. Regarding the specific case of the city of Susa, the witnesses

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testify only that Masses were sung in the churches of St. Charles, St. Spirit, and others, but they do not indicate whether this was done with the delegation or permission of the parish priest. Furthermore, the records show that, at times, Masses were even sung fraudulently, without the sound of bells, through prior, secret invitations, and this was done so that knowledge of this abuse would not reach the parish priest. Thus, for example, the witness Verquera, canon of the Cathedral and pro-vicar general, testified: "The Provost Peynatti informed me that Father Viglione (Joseph) 'had introduced the abuse of singing Masses since the time of the predecessor Provost, Emiliano Brayda, who had also protested.' I later learned and understood that under Provost Brayda, Father Viglione 'worked as much as he could secretly, for example, by not having the bells rung to announce the Masses, sometimes suppressing all indication and warning the singers, the offerers of the hour in which he would celebrate, celebrating at hours when he knew the Provost was in the choir, and using other pious stratagems.'" Similarly, the local administrator, Giaglione, originally from the city of Susa, reported that Father Joseph Viglione secretly sang Masses for the dead and, so that the parish priest would not notice, omitted the sound of the bells. These witnesses and others declare that the singing of Missae cantatae in the city of Susa...

[*Latin ed. p. 530*]

530 Acta Apostolicae Sedis. - Official Commentary. having considered it an abuse, indeed, a scandal arose from the fact that in the aforementioned churches, contrary to all custom and against the will of the Cathedral parochus, additional Masses were sung. If these matters are considered, it becomes clear that a custom not to sing Masses in non-parochial churches without the consultation of the Cathedral parochus has arisen and exists in the city of Segusina. Furthermore, at least an indirect argument for the existence of said custom in the city of Segusina can be deduced from the fact that the bishop, who sent the singing of additional Masses to the rector of the church under his suffragan, was ambivalent on the matter of law, and therefore warned the aforementioned rector, stating that the Cathedral prelate would bring complaints. It should also be noted that, during the lifetime of Bishop Rosaz, i.e., for approximately five years, D. Petrus Viglione did not dare to sing additional Masses without the permission of the parochus. This circumstance not only demonstrates that Father Viglione knew of the bishop's disposition of 1885, but also provides at least an indirect argument for the existence of the custom alleged by the Cathedral prelate. Nor is the objection valid that this very ancient custom was interrupted and a new custom was instituted because additional Masses were, in fact, sung without the permission of the parochus in the church of St. Carolus and in other churches. For, in order for a prescription against an existing custom to be valid, it requires, among other things, good faith and

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a time established by law. But in this case, neither was present. There was not good faith, but rather a greater deceit, as mentioned, to deceive and mislead the Cathedral prelate, since Masses were sung without the ringing of the bells, or at a time when the prelate was in the choir. And where was the good faith, when one witness, the parochus of the locality of Châteaux-Beaulard, can testify: "I learned poco* "some time ago, about the issue that arose between D. Viglione, chaplain of the church "of the Ponte in Susa, and the parochus of the Cathedral, because he "was singing additional Masses. I was told in this regard that this D. Vi"glione sometimes even rang the bells for solemn Masses and then did "not sing, and he did this solely to spite the parochus of the Cat"hedral. From those who spoke about it, I was able to understand that the D. Viglione "in question did this abusively." Nor was there a legitimate time for a prescription against an existing custom. For the first one to begin acting against the custom was Father Iosephus Viglione, against whom Bishop Rosaz then promptly issued a decree in 1885. Therefore, there was a short time, namely, up to the death of the aforementioned priest Viglione, while a longer time is required to prescribe against the church. Therefore, the abusive action of priest Iosephus Viglione could not have interrupted the ancient custom.

[*Latin ed. p. 531*]

Most Holy Boot. 53. It is established, and by no means contrary to, the most esteemed opinion that this [matter] has not only not been approved by the Superior, or Bishop of Rosaz, but has been entirely and openly rejected by a decree of the year 1885. Having considered and diligently pondered all of these things in law and in fact, We, the undersigned Auditors sitting for the tribunal, and with only God before our eyes, invoking the name of Christ, decide, declare, and definitively pronounce that the proposed doubt must be answered: Affirmatively, that is to say, that it is established by a legitimately prescribed custom, by which the singing of Misses outside of parish churches is forbidden without the permission of the parish priest, both in the city and in the diocese of Segusina, in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, session XXV, concerning the Reform of the Council of Trent, applying the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 12th of July, 1913. Anthony Perathoner, Presiding. Joseph Albert. Peter Rossetti. From the Chancery, 21st of July, 1913. T. Tani, Notary. ROMAN. SENTENCE CONCERNING STIPENDS OR NULLITY OF THE ROTAL SENTENCE. In the ordinary assembly or Congress held on the 1st of December, 1913, between the Most Reverend Father and Reverend Father

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Vincent, Cardinal Vannutelli, Prefect of this Supreme Tribunal, and the undersigned secretaries, the following question was proposed: Whether a recourse interposed by the Professors of the Roman Institute, Angelo Mai, against the Rotal sentence issued on the 13th of January, should be admitted to the judgment of the plenary session of the Fathers.

[*Latin ed. p. 532*]

532 Acta Apostolicae Sedis. - Official Commentary. year 1913, which confirmed another judgment of the same Sacred Roman Tribunal dated July 25, 1911, contrary to what the aforementioned Professors had hoped for in their new appeal, namely that it should be decided that, in this case, they were legally entitled to demand their full salary. An appeal in this cause was brought before this Supreme Tribunal for the purpose of declaring the aforementioned Roman judgment null, or at least limiting its scope. Indeed, the sum total of all the arguments upon which this appeal is based comprises two main points. The first concerns an inquiry into the perpetuity of private schools; the second challenges the right of Professors in this case to receive their full salary or compensation, should those schools cease to exist. However, it is entirely clear that the inquiry into the character of perpetuity of private schools necessarily depends on a legal interpretation of Italian law, by virtue of which the Government tolerates or permits private schools; and that the question of the right to receive a salary or compensation, which the Professors claim to possess, is entirely based on the fact of promises and guarantees, whether oral or written, which those same Professors claim to have received from those with authority, and, indeed, as they assert, were actually given. However, the interpretation of the law, as well as the examination of the facts for the assessment of the case, undoubtedly relate to the merits of the cause, concerning which this Supreme Tribunal does not see. Furthermore, the Patron of the Plaintiffs, to whom the Reverend Promoter of Justice also lends support, puts forward an argument, as he himself says, based on the "complete and unjustified omission" of the entire second phase of the proceedings; this supplementary investigation, despite the opposition of the opposing party, was granted by the Tribunal by decree of March 26, 1912, at the request of the Plaintiffs. Consequently, the Patron argues as follows: "It is therefore necessary to conclude that the Sacred Roman Tribunal, contrary to what is alleged by the opposing party, considered the evidence itself to be conclusive for the purposes of the case, etc." Therefore, the Patron continues: "Given this, and considering the conclusiveness of the evidence for the purposes of the case, the Sacred Roman Tribunal could not avoid taking account of its results, examining them. Conversely, the Sacred Roman Tribunal completely disregarded this entire investigation, as if it had never existed, without even mentioning the reason for such omission, thereby placing itself in contradiction not only with the general principles of law,

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which obligate the judge to examine the reasons presented by the parties, but even with itself, etc." The Promoter of Justice, however, highlights the gravity of this omission, because it concerns the crucial point of contention, namely, whether...

[*Latin ed. p. 533*]

Apostolic Signatura. 533. The professors, having not been informed of the decree concerning pensions, are not to be held accountable. This point, in the first instruction, is stated by himself, and is treated obscurely; in the second instruction, with overwhelming evidence, fourteen witnesses, under oath, testified that all the professors were completely unaware of the decree (commonly known as: the regulation concerning pensions). Then, the same Promoter of Justice continues in this manner: "This omission, in itself very serious, becomes even more serious because the instruction contains a supplementary oath." What, therefore, should be thought of this kind of argument, with regard to its force in invalidating a Royal Sentence in this case? Perhaps, at first glance, it might seem that a certain legal aspect underlies this argument. However, considering this aspect carefully, according to the Constitution *Sapienti Consilio* and our regulations, it is undoubtedly the case that this argument falls within that assessment of the merits of the case, the arbiter of which, according to his knowledge and conscience, is the judge; and therefore, here too, we are dealing with the merits of the cause, about which the Supreme Apostolic Signatura does not judge. Finally, in order to exhaust this controversy completely, it must be understood that the Patron of the Plaintiff, quite wrongly (or even absurdly), maintains that the Royal Sentence in this case is null and void, because general principles of law have been clearly violated, in addition to other reasons presented in the second instruction, which were overlooked by the judge in the sentence. But what are these general principles of law, whether civil, canonical, or merely natural, and where are they laid down? Surely no one would dare to assert that a judge can rightly and lawfully overlook reasons or motives that, according to his knowledge and conscience, do not seem to him to be relevant for confirming his sentence. Indeed, this is so certain that, even until the promulgation of the Constitution *Sapienti Consilio*, the Roman Congregations, which judged cases in due order of law, did not always list all and every detail in the context of the sentence, based on the reasons presented by the Patron. Our Tribunal, however, does not offer any reason for any of its sentences. This would not happen if, by some law, it were always necessary to provide the reasons for every sentence. Therefore, by no law, whether written or natural, is a judge obliged to declare all and every detail of the reasons for his sentence. With these points established, and also taking into account the opinion of the Reverend Consultor, who states that in the Royal Sentence in this case, those defects or flaws are not found, by virtue of which, according to the praised Proper Law and our

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regulations to be observed in judgments before this Supreme Tribunal, a complaint of nullity is admitted, this appeal against the aforementioned Royal Sentence must be rejected outright.

[*Latin ed. p. 534*]

Acts of the Apostolic See. - Official Commentary. 534 Therefore, the Most Reverend Cardinal Vincent Vannutelli, Prefect of this Tribunal of the Supreme Apostolic Signatura, decreed as follows, as was concluded in the aforementioned Congress, and consequently ordered this decree to be completed and dispatched, with all the formalities and clauses that are, by law, required, and in accordance with the norms of the Proper Law. Given in Rome, from the halls of St. T., on the 9th day of December, 1913. Nicholas Marini, of the Secretariat. L. & S. Joseph adv. Fornari, St. T. A. SECRETARY OF STATE. LETTER. I. TO MADAM T. P. DB URIBURU, PRESIDENT OF THE CONFERENCES OF SAINT VINCENT in the city of Buenos Aires, regarding the annual "MEMORIAL" reverently offered to the Most Blessed Father Paul by said Conferences. Madam, I have the pleasure of informing you that the Holy Father has gladly received the annual Memorial from the Conference of St. Vincent de Paul, of which you are worthily the president, and he was greatly pleased to note the industrious and edifying spirit of Christian charity that animates the good Catholics of the Republic of Argentina. Therefore, may this spirit persevere and grow ever more, and His Holiness sends to you, Madam President, to the works that you promote, and to the pious ladies who assist you, and together with you cooperate in the flourishing of such a beneficial institution, the Apostolic Blessing, a pledge of the Blessing of God and of heavenly rewards. With sentiments of sincere esteem, I take the liberty of reaffirming my respect. Rome, October 28, 1913. Devoted R. CARD. MERRY DEL VAL.

[*Latin ed. p. 535*]

535. Secretariate Status. TO THE ILLUSTRIOUS MAN, FATHER TILLI, PRESIDENT OF THE SOCIETY WHICH IS NOW CALLED "CENTRO CATTOLICO DEGLI STUDENTI," ESTABLISHED IN THE CITY OF BUENOS AIRES, FOR THE ACTION OF GRATIAS, IN OBEDIENCE TO THE FILIAL DEVOTION REVERENTLY SHOWN TO HIS HOLINESS.

Most Illustrious Sir, The Holy Father, Pope Pius X, has graciously been pleased by the noble testimony of affection and filial devotion, which the "Centro Cattolico degli Studenti," worthily presided over by Your Excellency, has humbly offered through the Most Reverend Archbishop Espinosa of Buenos Aires. And that the aforementioned Center may always be guided by the spirit of charity and sincere obedience, and may ever increase its beneficial action in favor of religion and society, the august Pontiff, invoking the most excellent graces of Heaven, impartially

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and from the heart grants to Your Excellency and to all the members of the aforementioned association, as well as to their families, the earnestly requested apostolic blessing.

With sentiments of sincere esteem, I take pleasure in reaffirming my respect for Your Excellency.

Rome, October 31, 1913.

Yours for service,

R. CARD. MERRY DEL VAL.

III. TO THE REVEREND CANON LAHARGOU, PRESIDENT OF THE ASSOCIATION "ALLIANCE DES MAISONS D'ÉDUCATION CHRÉTIENNE," FOR THE VOLUME REVERENTLY PRESENTED TO HIS HOLINESS, WHICH CONTAINS ACCOUNTS OF THE CONGRESSES HELD BY THE SAID ASSOCIATION.

Monsieur le Président, The Holy Father, Pope Pius X, has deigned to accept with particular benevolence the volume containing the records of twenty-six Congresses held by the "Alliance des Maisons d'éducation chrétienne." The founders of your Alliance had as their objective to increase, through union, the forces of Christian education by pooling their...

[*Latin ed. p. 536*]

536 [works] and their experience for the greatest benefit of the education of Catholic youth. These impressive pages constitute a demonstration of the fruitfulness of the works of your Association. The Supreme Pontiff congratulates you for placing at the forefront of your concerns the religious formation of the students, based on a profound knowledge of the truths of the faith and supported by active and well-directed piety; for there is no true education that does not elevate the child above himself and bring him closer to God. It is, in particular, very pleasing to the Holy Father to hear testimony of the happy fruits of sanctification that the faithful application of the decisions of the Holy See regarding Holy Communion has produced in Catholic institutions. His Holiness expresses the wish that these consoling results may multiply even more in the future. The "Alliance of Christian Educational Institutions" also has the great merit of having made constant efforts to preserve the proven methods of the traditional pedagogy of the Church, despite the obstacles of official programs. The Church has always been the refuge and safeguard of the liberal arts, and it can certainly be said that, at the present time, if classical culture still flourishes in the world, it is indebted to Christian instruction. It is also fitting to congratulate this same instruction for all that it does to protect the minds of the students against the seduction of false systems, which are so harmful to the understanding of sound philosophy. Touched by the sentiments of profound veneration and filial obedience that you express towards his august person, the Holy

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Father grants to the President and to all the members of the "Alliance of Christian Educational Institutions" the benefit of the Apostolic Blessing. With my thanks for the copy that you have graciously offered me, please accept, Reverend Monsignor, the assurance of my devoted sentiments in Our Lord. Rome, November 6, 1913. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 537*]

Secretariat of State. 53? IV. TO THE REVEREND FATHER JANVIER, O.P., WHO RECENTLY PRESENTED TO THE HOLY FATHER A COPY OF THE VOLUME OF SACRED PRAYERS, PUBLISHED BY HIMSELF, WHICH WAS READ IN THE CATHEDRAL CHURCH OF "NOTRE DAME" IN PARIS.

Most Reverend Father, The Supreme Pontiff, rejoicing in the ever-increasing successes of your apostolate, has deigned to accept with particular benevolence the tribute of the volume of your Lenten conferences of 1913, dedicated to the theological virtue of Hope. By appropriately reminding generations caught up in the fever of immediate pleasures, that God alone can give man perfect blessedness through the complete satisfaction of his intellect and will, this new work will continue the good already accomplished by your words, and will direct the aspirations of generous souls towards eternal goods. The Holy Father congratulates you for having based yourself on the most certain testimonies of Catholic Tradition and on the teachings of the great scholastic Doctors, eloquently to defend the virtue of Hope against the contradictory accusations accumulated against it by misguided minds, and to firmly establish that it is an essential part of the militant life of the Christian, and that, far from being excluded by charity, it is, on the contrary, here on earth, its preparation and support. His Holiness asks the Lord to grant you the strength to continue valiantly in such a fruitful ministry, and She grants, with all Her heart, the apostolic blessing to you and to your listeners. Deeply grateful, in my own person, for the tribute that you have kindly offered me of the same work, I beg you, Most Reverend Father, to accept, with my thanks, the assurance of my devoted sentiments in Our Lord.

November 15, 1913.

R. GARD. MERRY DEL VAL.

[*Latin ed. p. 538*]

538 Acta Apostolicae Sedis. - Official Commentary. V. TO STANISLAUS MEDOLAGO ALBANI, COUNT, PRESIDENT OF THE ECONOMIC-SOCIAL UNION FOR CATHOLICS OF ITALIAE, CONCERNING LECTURES ON SOCIOLOGY AT THE CATHOLIC SOCIAL SCHOOL.

Most Illustrious Lord Count,

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With genuine pleasure, I have presented to the Holy Father the course on sociology from your Catholic Social School, which you kindly sent to me for that purpose. These lectures are the work of the esteemed Father Monetti, S.J., and that alone is sufficient to assure their soundness of doctrine and their undeniable utility.

His Holiness hopes that these lectures will be of great benefit to those studying social problems, so that they may be enlightened on the true principles that govern their solution, and on the proper path to guide human activity in order to make it a powerful force for the common good.

With this hope, His Holiness sends to you His paternal thanks, together with the apostolic blessing, which he gladly imparts to you and to all who are members and benefactors of the Economic-Social Union.

I add my personal thanks for the exemplary courtesy you have shown me, and I am pleased to reaffirm my sentiments of the highest esteem for you.

Rome, November 30, 1913.

Yours to serve,

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 539*]

Secretariat of State. 539 VI. TO STANISLAUS MEDOLAGO, COUNT, CONCERNING THE RENEWAL OF THE OFFICES OF THE FEDERATION COMMONLY CALLED THE "ECONOMIC-SOCIAL UNION."

Most Illustrious Lord, The approach of the time for the renewal of the offices of the Economic-Social Union has brought to the high consideration of His Holiness the path that the aforementioned Union has followed thus far. A fruitful and laborious path, as is demonstrated by the extensive network of economic institutions that have arisen in the course of only a few years, and, recently, the Social School, established by the great Sodalitium to provide our young people with a sure means of sound social culture and of scientific and practical training for that new form of Christian apostolate to which the times invite them. His Holiness is pleased to inform you of this, and has found it a source of consolation, and gladly congratulates Your Excellency and all those who have assisted you in the difficult task entrusted to you.

However, looking to the future, a long path remains for the Economic-Social Union to travel before it fully achieves its purpose. The numerous institutions of which it must "take care," the grave and delicate moral questions that are joined to it, along with material interests, the new needs, and the increasing difficulties, persuade that with a better organization, a wider and more expeditious path will open to it for a more secure and intense

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action, and for a more fruitful life. This is a work of no small moment, as Your Excellency well sees, to which the Holy Father has already devoted his thought and his solicitous care.

And because its improvement requires time and counsel, it is the will of the August Pontiff that the renewal of the aforementioned offices be postponed to a more opportune time, and that, in the meantime, the ordinary meetings of the assembly and the meetings of its Council be suspended, while Your Excellency continues in your office as president, so that, awaiting the new measures, you may continue to guide and govern the Union, according to the well-established directives of the Holy See.

With sentiments of distinct esteem, I take pleasure in reaffirming myself to Your Excellency.

From the Vatican, 2 December 1913.

Yours to serve,

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 540*]

Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SECRETARY OF STATE. BY ORDER. With the tickets of the Secretary of State, the Holy Father deigned to appoint:

November 15, 1913. - His Eminence, Cardinal Guglielmo van Rossum, Protector of the Order of the Holy Cross in the Netherlands.

November 21. - His Eminence, Cardinal Gaetano De Lai, Protector of the Institute of Saint Anne and of Providence in Turin.

November 24. - His Eminence, Cardinal Domenico Ferrata, Protector of the Sisters of the Holy Family of Bordeaux.

November 25. - Monsignor Alberto Vassallo di Torregrossa, Apostolic Delegate and Extraordinary Envoy of the Holy See to the Republic of Colombia.

November 28. - His Eminence, Cardinal Ludovico Billot, Protector of the Institute of the Brothers of Saint Gabriel and of the Institute of the Religious Sisters of the Good Shepherd of Angers.

November 29. - His Eminence, Cardinal Gennaro Granito di Belmonte, Protector of the venerable archiconfraternity of the Most Holy Sacrament and of Saint Nicholas of Bari at the Tulliano Prison.

December 4. - His Eminence, Cardinal Antonio Vico, Protector of the Institute of the Daughters of Mary Immaculate for domestic service.

December 6. - His Eminence, Cardinal Guglielmo van Rossum, Protector of the Institute of the Sisters of the Holy Family of the Sacred Heart.

December 7. - His Eminence, Cardinal Mariano Rampolla del Tindaro, Protector of the Institute of the Carmelite Sisters of Charity of Vich.

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December 8. - His Eminence, Cardinal Gaetano Bisleti, Protector of the Institute of the Daughters of Mary Most Holy of the Garden and of the Work of Saint Francis de Sales.

December 12, 1913. - His Eminence, Cardinal Antonio Vico, Protector of the Congregation of the Daughters of the Most Holy and Immaculate Heart of the Blessed Virgin Mary.

December 13. - His Eminence, Cardinal Gennaro Granito di Belmonte, Protector of the Institute of the Regular Canons of the Immaculate Conception.

December 16. - His Eminence, Cardinal Guglielmo van Rossum, Protector of the Missionary Sisters of the Precious Blood of Bois-le-Duc.

[*Latin ed. p. 541*]

From the Roman Curial Diary. 541. By Apostolic Brief, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: November 5, 1913. — Mons. Venceslao Manlick and Mons. Giuseppe Tumpach, canons of the Metropolitan Church of Prague. November 12. — Mons. Raimondo Fuchs, dean of the cathedral and general vicar of the diocese of Leitmeritz. November 14. — Mons. Rodrigo Tavani, archdeacon of the Metropolitan Church of Chieti. November 18. — Mons. Aronne Tamási, prelate of the cathedral of Transylvania. Domestic Prelates of His Holiness: November 5, 1913. — Mons. Eugenio Szuborics, canon of the cathedral of Alba Reale. November 10. — Mons. Geremia Casey, parish priest of Lindsay in the diocese of Peterborough. November 12. — Mons. Gustavo Mattauch, prelate of the cathedral of Leitmeritz. — Mons. Antonio Òech, canon of the aforementioned diocese. November 13. — Mons. Patrizio Cody, of the diocese of Newark. — Mons. can. Giovanni Pio dos Santos, of the archdiocese of Rio Janeiro. — Mons. Daniele Zomora, canon of the diocese of Transylvania. November 15. — Mons. Gioacchino Antonio de Siqueira, of the diocese of Ribeirâo Preto. November 16, 1913. — Mons. Daniele Figueroa, director of the most recent pilgrimage from Argentina to Rome. — Mons. can. Gustavo Matteoni, general vicar of the diocese of S. Miniato. November 21. — Mons. Carlo Reth and Mons. Giovanni Nepomuceno Ahle, canons of the cathedral of Augsburg. November 22. — Mons. Giacomo P. Mac Closkey, general vicar of the diocese of Jaro. November 23. — Mons. Francesco Hogan, rector and president of the national and Irish seminary in Dublin. November 28. — Mons. Filippo Mauri, emeritus censor of the Pontifical Theological Academy of Rome. November 1. — Mons. Francesco Serafico Achtmann, canon of the metropolitan church of Bamberga. November 2. — Mons. Bernardo J. Bradley, of the archdiocese of Baltimore.

[*Latin ed. p. 542*]

542 Acta Apostolicae Sedis. - Official Commentary. By means of tickets

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from the Secretariat of State, the Holy Father deigned to appoint:

Secret Chamberlains, honorary and supernumerary, to His Holiness: September 19, 1913. — Monsignor Domenico Pogliani, of the Archdiocese of Milan. October 28. — Monsignor Massimiliano Bódulió, of the Diocese of Ragusa. November 6. — Monsignor Edoardo H. Murray, of the Diocese of Peterborough. November 7. — Monsignor Francesco Tilmann, of the Diocese of Treves. November 10. — Monsignor Giovanni Dionisio Joren, of the Diocese of Bois-le-Duc. November 15. — Monsignor Giovanni Battista Gruener, of the Archdiocese of Bamberg. — Monsignor Francesco di Paola Pangratz, of the Diocese of Passau. November 17. — Monsignor Ermanno Osburg, of the Diocese of Paderborn. November 24. — Monsignor Giuseppe Gottwald, of the Diocese of Breslau. — Monsignor Lodovico Eccheli, of the Diocese of Trento. — Monsignor Guido de Gentili, of the same Diocese. December 5. — Monsignor Cesare Boccoleri, archpriest of Rapallo, in the Diocese of Chiavari.

Secret Chaplain of Honor to His Holiness: November 7, 1913. — Monsignor Giovanni Siener, of the Diocese of Secovia.

Chamberlains of Honor in purple vestments to His Holiness: November 7, 1913. — Monsignor Guglielmo Landel de Moura, of the Diocese of Ribeirâo Preto. — Monsignor Giuseppe Liebisch, of the Diocese of Secovia.

Chamberlains of Honor outside the City: September 20, 1913. — Monsignor Luigi Testa, of the Archdiocese of Milan. November 24. — Monsignor Antonio Leonardi, of the Diocese of Trento.

Secret Chamberlain of Sword and Cape, honorary and supernumerary, to His Holiness: November 23, 1913. — Mr. Federico di Mikusch-Buchberg, of the Diocese of Breslau.

Chamberlains of Honor of Sword and Cape, honorary and supernumerary, to His Holiness: November 21, 1913. — Mr. Pietro Gámbaro, of the Archdiocese of Genoa. November 29. — Mr. Stanislao Sikovski, of the Diocese of Culma.

[*Latin ed. p. 543*]

Diarium Romanae Curiae. 543 HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of St. Sylvester: November 11, 1913. — To the Most Noble Count Ermanno de Stolberg-Stolberg, of the diocese of Paderborn. The Commander's Cross with plaque of the Order of St. Gregory the Great, civil class: November 19, 1913. — To Mr. Stefano Esders, a Belgian residing in Vienne. The Commander's Cross of the Order of Pius: November 10, 1913. — To Mr. Professor Giustino Kintzinger, of the diocese of Metz. The Commander's Cross of the Order of St. Gregory the Great, civil class: November 10, 1913. — To the gentlemen Giuseppe Marin, of Bassora, and Abramo Medawaz, of Beiruth. November 21. — To Mr. Ermanno Stock, assessor of the Tri-

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bunal of Treves. November 29. — To Mr. Gioacchino Martinez de Pinillos. November 30. — To Mr. Paolo Maria G. Vercruijsse, of the archdiocese of Utrecht. December 4. — To Mr. Knight Francesco Giolo, of Rovigo. The Commander's Cross of the Order of St. Sylvester: November 21, 1913. — To Mr. Federico Spitzer, of the archdiocese of Vienne. December 3. — To Mr. Doctor Lodovico Pollak, Imperial Counselor in Austria. Knighthood of the Order of St. Gregory the Great, civil class: October 27, 1913. — To the gentlemen Mattia Feltin and Viscount Alberico di Truchis di Varennes, of the aforementioned archdiocese. — To the gentlemen Professor Giovanni Guiraud and Leone Maria Giuseppe Dhoutaut, of the aforementioned archdiocese. October 30. — To Mr. Guglielmo Diepenbrock, of the diocese of Harlem. November 15. — To Mr. Carlo Gallet, of the diocese of Luçon. November 16. — To Mr. Giovanni Cornelio Antonio Smits, president of the Dutch Charitable Society. November 19. — To Mr. Arnoldo Giovanni Maria Vos de Wael, of the archdiocese of Utrecht. November 26. — To Mr. Luigi Müller, of the archdiocese of Prague. November 28. — To Mr. Giovanni Topinka, of the aforementioned archdiocese.

[*Latin ed. p. 544*]

544 Acta Apostolicae Sedis: - Official Commentary. The Knighthood of the Order of St. Gregory the Great, military class: November 18, 1913. – To Mr. Edoardo Zorzi, captain of the "Austrian army." The Knighthood of the Order of St. Sylvester the Pope: October 30, 1913. – To Mr. Giovanni Antonio Franke, of the diocese of Harlem. November 18. – To Mr. Dr. Ferdinando Stemmler, of the diocese of Limburg. NECROLOGY. November 19, 1913. – Mons. Emmanuele Correa de Bastos Pina, Bishop of Coimbra in Portugal. November 28. – Mons. Ignazio Zuccaro, titular Bishop of Archelaide. December 1. – Mons. Firminio Leone Giuseppe Renouard, Bishop of Limoges. December 4. – Mons. Giovanni Giuseppe Laguarda y Fenollera, Bishop of Barcelona. December 6. – The Most Reverend Cardinal Luigi Oreglia di San Stefano, Bishop of Ostia and Velletri, Dean of the Sacred College, Chamberlain of the Holy Roman Church, etc. December 13. – Mons. Stefano Antonio Denisewicz, titular Bishop of Claudiopolis of Seleucia. December 16. – The Most Reverend Cardinal Mariano Rampolla del Tindaro, Archpriest of the Vatican Basilica, Secretary of the Holy Office, etc.

[*Latin ed. p. 545*]

Year V. Vol. V. December 31, 1913. No. 19. OFFICIAL COMMENTARY. ACTA PII PP. X. BY PAPAL BULL. CONCERNING CANONICAL CHAPTER MEMBERS WHO ARE NOT AMONG THE DOMESTIC PRELATES, AND THOSE HOLDING OFFICES OF CANONICAL CHAPTERS. PIUS PP. X. In Our letters, published by Motu Proprio concerning Apostolic Protonotaries, in which certain points required clarification, We declared, by Our authority, that the Congregation of Holy Rites, by decree, has es-

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tablished the following: that he who is enrolled in the college of Canons or Chapter, which is adorned with privileges or insignia and rights pertaining to Apostolic Protonotaries or supernumeraries, or those of similar standing, does not thereby acquire the right to be included in the list of Domestic Prelates by means of a Brief, but rather the attainment of this honor and rank depends solely on the benignity of the Supreme Pontiff. Furthermore, so that the diversity of privileges, which may be observed among men of the same Order, may not stir up the admiration of the Christian people, We grant and concede to Canons who, although members of the aforementioned Chapters, are not included among the Domestic Prelates, that they may all, collegially, enjoy the privileges granted to their own Chapters by the Apostolic See; but that each one may also wear the prelate's habit and the ring, as is fitting. ACTA, vol. V, no. 19. — 31-12-1913. 38

[*Latin ed. p. 546*]

546 Acta, Apostolicae Sedis. - Official Commentary. In these very documents, see §§ 16 and 17; then, concerning the special mandate of the Ordinary, regarding the vestments and manner of the Prelates, of which there is mention in § 31, they may celebrate the Sacrifice. They will not be permitted to use this double power, except within the boundaries of the diocese to which the Chapter belongs. And We have established this by Motu Proprio, notwithstanding any contrary provisions. Given at Rome, near St. Peter, on the twentieth day of the month of December, in the year 1913, in the eleventh year of Our Pontificate. PIUS P. X. LETTERS. I. TO THE MOST REVEREND ARCHBISHOPS AND BISHOPS OF THE REPUBLIC OF MEXICO, CONCERNING THE SOLEMN VOWS TO BE MADE TO THE HOLY HEART OF JESUS BY THE FAITHFUL OF THAT REPUBLIC. Venerable Brothers, greetings and the apostolic blessing. — You have presented to Us a most worthy and, moreover, very pleasing proposal. Our predecessor, Pope Leo XIII, wrote about those who vow themselves to the Holy Heart of Jesus in the year 1889, in his encyclical letter *Annum Sacrum*. And, as We believe you are aware, you have come to the opinion that, on the sixth day of next January, when the Republic of Mexico is solemnly dedicated to that most sacred Heart, and after the ceremony has been completed, you should offer a testimony of this to Us, in images of the divine Heart, adorned with the royal insignia of its majesty. We gladly approve of this. But since the King of eternal glory was redeemed by a thorny crown, which surpasses the beauty of crowns of stars with its gems and gold, let the insignia of a human king, namely, the scepter and the diadem, be placed at the feet of the sacred images. We have long observed, with concern, the disturbances of your people and the affairs of your nation, and We acknowledge, with careful consideration, how important it is to foster the salvation and peace of peoples by encouraging people to turn to this haven of salvation and this sanctuary of peace, which the most benign

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God has willed to open to the human race through the august Heart of His Son, Christ. Therefore, may it be so for you, Venerable Brothers, and for the people of Mexico, so long afflicted by discord, that they may receive the grace they need for salvation, and the peace that all citizens of your nation desire.

[*Latin ed. p. 547*]

Acta P.P. X. 547. May the blessing, which is the sign of Our paternal benevolence, be a witness to the good intentions of both parties, which We impart to you, venerable Brothers, and to the clergy and people entrusted to you; Given in Rome, at St. Peter's, on the ninth day of November, 1913, in the eleventh year of Our Pontificate. PIUS PP. X. TO THE MOST REVEREND AND ILLUSTRIOUS ARCHBISHOP OF CARACAS AND TO THE OTHER BISHOPS OF VENEZUELA, IN ANSWER TO THE LETTERS MOST PIOUSLY AND REVERENTLY PRESENTED BY YOU, ESPECIALLY CONCERNING THE SEMINARY RECENTLY ESTABLISHED IN THE CITY OF CARACAS. Venerable Brothers, greetings and the apostolic blessing.

Your letters have brought us many joyful things. We are pleased that you profess such close devotion to Us; that, through these celebrations, having rendered the debt due to the Church for the liberty granted eleven centuries ago, you have found a fitting opportunity to exhort the faithful entrusted to you to adhere more closely to the Mother Church and to defend her most sacred rights; and finally, that you have desired to establish a larger seminary for the proper instruction of the clergy, which we recognize as a new sign of your piety towards Us, which we greatly appreciate, and as a concern for the clergy and the people, as is fitting. We see that no aspect of your office lacks diligence; and this, indeed, gives Us joy, and we sincerely congratulate you, venerable Brothers. However, because we embrace you and your Church with charity, we are reminded to commend, once again, this new seminary, to which we have already urged you, not once, but repeatedly, to your diligence – if, indeed, further encouragement is needed. We have already written to you about the conditions of the Church in Venezuela, as they pertain to the clergy; and you know, venerable Brothers, that, besides the full and charitable vigilance over the clergy who are already working with you in the Lord's vineyard, the greatest care must be devoted to the proper formation of the younger clergy. Therefore, we urge and implore you in the Lord, that in this larger seminary, as well as in the smaller or diocesan seminaries, the sacred discipline may flourish, and that the studies of doctrine may be held in honor, according to the prescriptions of the Apostolic See. For, as we have learned through experience, this is the

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only way to ensure that young men...

[*Latin ed. p. 548*]

548 Acta Apostolicae Sedis. - Official Commentary. Those who, within the Church, cultivate hope, may acquire greater intellectual gifts and virtues, and subsequently, upon their return, contribute these to the common good. That this may come to pass, we implore the aid of heavenly powers from God; and may our apostolic blessing, a witness and pledge of Our benevolence, be bestowed upon each of you, venerable Brothers, and upon your clergy and people, with paternal love in the Lord. Given in Rome, near St. Peter, on this tenth day of December, in the eleventh year of Our Pontificate. PIUS PP. X.

SAGRA CONGREGATIO CONSISTORIALIS I.

ERECTION OF DIOCESES.

His Holiness Pope Pius X, by successive decrees of the Sacred Consistory: October 20, 1913.

The extensive territory of the Diocese of Our Savior of Bahia in the Brazilian Republic, at the request of the Archbishop himself, was divided into four parts, and three new dioceses were created: Barrensi, Caetitensi, and Ilheosensi.

The Diocese of Barrensi was assigned the following parishes, commonly known as: Barra do Bio Grande, Chique-Chique, Pilâo Arcado, Remanso, Casa Nova, Sento Sé, Joazeilo, Campestre, Brotas do Macahubas, Oliveira dos Brejinhos, Urubú, Bom Jesús da Lapa, Carinhanha, Sant'Anna dos Brejos, Porto de Santa Maria, Correntina, Angical, Campo Largo, and Santa Rita do Rio Preto.

The Diocese of Caetité was assigned the following parishes, commonly known as: Caetité, Monte Alto, Gentío, Amparo de Umbaranas, Duas Barras, Jacaracy, Gonderiba, Caculé, Bom Jesús dos Meiras, Ituassú, Sincorá, Minas do Rio de Contas, Villa Velha de Minas de Rio de Contas, Bom Jesús de Bio de Contas, S. Joâo do Paraguassú, Lençoes, Remedios do Rio de Contas, Paramirim, Macahubas, Riacho do S. Anna, Sta Maria do Ouro, and Cannabrava.

Furthermore, the Diocese of Ilhéus was assigned the following parishes, commonly known as: Ilhéos, Olivença, Cannarieiras, Belmonte, Santa Cruz, Porto Seguro, Villa Verde, Tramoso.

[*Latin ed. p. 549*]

The Sacred Congregation Consistorial. 549 Nossa Senhora de Lourdes do Angelim, Prado, Alcobaca, Garavellas, VillaViçosa, S. José de Porto Ale-

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gre, Itabuna, Barra do Bio de Contas, Marahú, Barcellos, Camamú, Igrapiuna, Santarem, Nova Boipéba, Boipeba Velha, Cayrú, Taperoá, Serapuhy, Querem, and Valença. The remaining portion of the ancient territory was reserved for the Most Holy Savior of Bahia. December 2, 1913. – The Diocese of Nicaragua, which had been removed from the metropolitan jurisdiction of the Archdiocese of Guatemala and made exempt, was divided into four parts, with new dioceses established and an ecclesiastical province erected. Therefore, the Bishop of Nicaragua, who had his cathedral in the city of León, relinquished his seat, but his jurisdiction remained over the four civil provinces commonly known as León, Chimandega, Esteli, and Nueva Segovia. And, suppressing the name of the Diocese of Nicaragua, it was decreed that this new diocese, thus defined, should be called the Diocese of León in Central America, and it was established as a suffragan of the Archdiocese of Managua. A metropolitan see was erected in the city of Managua, the capital of the republic, and jurisdiction was granted to the Archbishop over the five civil provinces of Managua, Masaya, Carazo, Matagalpa, and Chinandega. A third portion of the territory was erected into a new diocese, to be called the Diocese of Granada, with its seat in the city of Granada, and jurisdiction was granted to a new bishop over the four civil provinces of Granada, Rivas, Chontales, and San Juan del Norte; and it was also made a suffragan of the Archbishop of Managua. Finally, a fourth portion of the territory was erected into the Apostolic Vicariate of Bluefields, and jurisdiction was granted to the Apostolic Vicar over the six civil provinces, namely Bluefields, Cabo Gracias a Dios, Bmzapolcka, Siquia, Rio Grande, and the islands adjacent to the Atlantic Ocean and subject to the same Republic of Nicaragua.

PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation Consistorial, the Most Holy Pope Pius X provided for the following churches, namely: November 20, 1913. – The cathedral church of the Eperiesian rite was assigned to the Reverend Stephen Novak, of the Diocese of Muncács. November 21. – The metropolitan church of Cambray was assigned to the Reverend John Arthur Chollet, formerly Bishop of Verdun.

[*Latin ed. p. 550*]

550 Acts, of the Apostolic See. - Official Commentary. November 21, 1913. — To the cathedral churches of Belluno and Feltre, the Reverend Joshua Cattarossi, formerly Bishop of Albenga. — To the cathedral church of Lille, recently erected, the Reverend Alexis Charost, formerly titular Bishop of Miletopolis. December 3. — To the titular archiepiscopal church of Hemes, the Reverend Albert Vassallo di Torregrossa, of the diocese of Caltanissetta, as Apostolic Delegate in the Republic of Colombia. December 4. — To the metropolitan church of Harty, of the same archdiocese, the Reverend John. — To the cathedral church of Belleville, the

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Reverend Henry Althoff, of the same diocese, as pastor of the local parishes of Okaville and Neshville. December 10. — To the metropolitan church of Managua, the Reverend John Anthony Lezcano, archdeacon of the cathedral church of Leon in Central America. — To the cathedral church of Granada, the Reverend Joseph Candid Pinol y Batres, of the archdiocese of Guatemala. December 11. — To the titular episcopal church of Torone, the Reverend Isidore Carrillo, of the diocese of Leon in Central America, and there as rector of the diocesan seminary. December 16. — To the cathedral church of Saint Gall, the Reverend Robert Bürkler, canon of the same cathedral church, as master and rector of the diocesan seminary. — To the cathedral church of Saint Marthe, the Reverend Francis Christopher Toro, formerly Bishop of Socorro. BRIXIA. DECREE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, MARY CRUCIFIX DI ROSA, FOUNDRESS OF THE CONGREGATION OF THE HANDMAIDS OF CHARITY. In Brixia, born of parents distinguished by their virtue and piety, was Mary Crucifix Di Rosa, foundress of the Handmaids of Charity, in the year Paula, on the same day, November 6, brought into the world and regenerated by baptism. Still a young girl, having been orphaned by the death of her beloved mother, she was entrusted by her father to an institution in Brixia.

[*Latin ed. p. 551*]

The Congregation of Religious Women, number 551, was established, and she remained there until the seventeenth year of her age, when, returning home, she devoted herself diligently to the care of her family, especially concerned for the salvation of her household, and particularly for young girls who were addicted to the silk-weaving trade, among whom she acted as if she were a missionary. When the Asiatic plague was raging in Insubria, the Servant of God, with the consent of her father, offered herself as a servant to the sick in the hospital; afterwards, she joined some companions to assist the infirm of every kind and to educate young girls, rescuing them from dangers, with whom she established a new family, which, having assumed the name of "Handmaids of Charity," was first approved by the Most Holy Pope Pius IX, and then, on April 8, 1851, was confirmed. The Servant of God, having renounced the title of Mariae Crucifixae in the following year, presided over the Congregation until December 15, 1855, when, already afflicted by a deadly illness, she received the sacraments of the Church, and peacefully passed away among her dearest daughters, whom she had earnestly encouraged to practice mercy, at the age of forty-two. The reputation for holiness which the Servant of God had acquired during her life, after her death, became even more clear and widespread, and to the present day, investigations have been conducted by the Ordinary Informative Tribunal in the ecclesiastical court of Brescia. After these matters were completed and presented to the Sacred Congregation of Rites, and

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since, according to the law, everything was in order, at the urgent request of the Reverend Father Dominic Bonomi, Oratorian, and Promoter of the Cause, and of His Eminence and Most Reverend Cardinal Dominic Ferrata, Promoter of the same Cause, at a meeting of the Ordinary Congregation of the Sacred Rites, convened at the Vatican on a specified date, the following question was proposed for discussion: Whether a Commission should be appointed for the introduction of the Cause, and for the purpose of what is being discussed? And the Most Eminent and Most Reverend Fathers, entrusted with the safeguarding of the Sacred Rites, after the report of the aforementioned Promoter, having heard the opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, both orally and in writing, and having carefully considered all matters, decided to respond: "Affirmatively, that is, a Commission should be appointed, if it pleases the Most Holy [Pope], on December 9, 1913." Subsequently, these matters were brought to the attention of the Most Holy Lord, our Pope Pius X, through a report from the Secretary of the Sacred Congregation of Rites, and His Holiness, approving the response of the aforementioned Sacred Council, deigned to sign the Commission for the introduction of the Cause of beatification and canonization of the Servant of God, Mary Crucifix, Di Rosa, foundress of the Congregation of the Handmaids of Charity, on the 10th day of the same month and year.

Fr. S. CARD. MARTINELLI, Prefect.

Petrus La Fontaine, Ep. Charystien., Secretary.

[*Latin ed. p. 552*]

552 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF THE WEST. NULLITY OF MARRIAGE (DÒ-SÒ). Under the blessed reign of Pope Pius X, in the tenth year of His Pontificate, on the 14th of July, 1913, the Most Reverend and Reverend Fathers, Aloysius Sincero, President, Joseph Mori, and Frederick Cattani, Auditors of Tournon, in the case of the West of Cochinchina – Nullity of Marriage, between Martha Sò, actress, represented by her legitimate procurator, Rector De Angelis, an advocate ex officio, and Peter Dò, who intervened and argued in the cause in defense of the validity of the marriage ex officio, rendered the following final judgment. In the year 1910, Martha Sò, eighteen years of age, residing in the place commonly called Gu-Mi, entered into marriage with Peter Dò; but, after the death of her father, she abandoned the marital home and petitioned an ecclesiastical judge to declare her marriage null, either on the grounds of coercion and fear, or at least to grant her a dispensation from the Holy See regarding the impediment and consummation of the marriage. After the proceedings were completed before the vicariate apostolic of the West of Cochinchina, the records were transmitted to the Sacred Congregation for the Discipline of the Sacraments. Since the Sacred Congregation considered that the

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case should be handled in due order, the case was brought before this Sacred Order, and now, for the first time, by order of the Most Holy, it comes before us under the usual formula of inquiry: Whether there exists a nullity of marriage in this case. Concerning the facts. How Martha Sò was compelled by her father to enter into marriage with Peter Dò, must first be ascertained from the actress herself. For, since the preliminaries to the marriage had been completed through the mediation of a third party, that mediator requested the father of Martha Sò to summon his daughter. He, however, refused, saying: "Whether she wishes it or not, I will give her in marriage. If you force me to summon her, I will summon her; but if she consents, I will betroth her; but if she refuses, what can I do?" Martha, however, did not consent to this marriage, and she declared this repeatedly to her parents with these very words: "Because I do not love Peter Dò, I do not consent."

[*Latin ed. p. 553*]

Book 5, Chapter 3. Having been asked what her father had done at that time, she swore under oath: "At that time, my father, suffering from a very severe cough, called me to him and asked me: 'Do you consent?' I replied that I did not consent because I did not love him. And my father, enraged, ordered me to kneel down, and, striking me three times with a rod, threatened that if I persisted in refusing, he would cut off my hair, smear my head with pitch, take all my clothes and dowry, and drive me away and disown me. Overcome by this excessive anger, he was almost at the point of death. Seeing this, my younger brother, named Dinh, and fearing that he would die, gently urged me to express my consent, so that my father would not die, leaving my brothers and sisters orphans. At first, I refused to consent, but then, at the urging of my brother, I told him to do whatever he wanted, so that he could report to our parents that I had consented. He told our parents that I had given my consent. Then, at the command of my mother, I approached my father, intending to ask for forgiveness: "Father," I said, "in the future, I will not contradict you again." For the next seven days, I abstained from all food except what was necessary for sustenance. Seeing this, my father called me, intending to bind me with ropes and beat me with a rod, but I, at my mother's command, resumed eating. From that time on, I told my mother and my brother Dinh several times that I did not consent. Therefore, when the matter of the proclamation of the banns was being discussed, when the priest asked her, she answered that she consented, but only with her words, and that she would consent externally, as she had promised, in the celebration of the marriage. However, she believed that her marriage was invalid, and therefore, she did not want to go to her husband's house, and she only went there again when forced by her parents. And the marriage, as she affirms, was not consummated; for many times, Peter Dò asked her, and she, when urged and pressured, refused to

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lie with him in the same bed, sleeping separately, wrapped in a blanket. After her father's death, Martha returned to her parents' house, having abandoned her marital home. Furthermore, several trustworthy witnesses testified under oath that Martha had been forced by her father, out of grave and unjust fear, to enter into marriage with Peter Dò. For example, Paul Dinh, Martha's brother, testified: "When the mediator came for the last time, my father struck her with a rod, threatening that he would cut off her hair, disown her, and drive her away. But I, seeing my father so exhausted, urged my sister to express her consent, so that he would not die suddenly, and so that we would not become orphans. Then my sister told me to do whatever I thought best, and I, going inside, told my father everything."

[*Latin ed. p. 554*]

554 Acta Apostolicae Sedis. - Commentarium Officiale. "My sister, namely Dò, entrusted to me the task of delivering a letter to her sister, which the sister refused to receive. When my sister visited my father, who was near death, he inquired of her how things stood, urging her to reconciliation... Afterwards, when questioned by my father whether she had fulfilled her conjugal duty, she answered negatively...". Mary Vui, the mother of Martha, testified: "No one was present as a mediator in their conversations. She denied consenting. In the final conversation, her father agreed that he would give her in marriage. He struck the daughter, and wished to deprive her of her hair; therefore, Dò said that whatever was done should be at his discretion... When Dò, after confession, came to visit my husband, who was near death, and he inquired of her separately: "Tell me truthfully, do you and I have harmony with each other?" She replied, "Not at all; we have never had conjugal relations." My husband told me this, warning me to reprimand and admonish the daughter after his death...". Anna Binh, the sister of Martha Dò, testified that she heard Martha Dò, both before the arrival of the mediator and after the proclamation of the banns, saying that she did not consent, which she heard two or three times, and Mary Kinh, another sister, confirmed this. Furthermore, Anna Thien, the wife of the mediator, testified: "Shortly before the marriage celebration, Father Dò asked me to persuade this (Martha) to consent. She told me: "My parents are urging me very strongly..."". And Anna Ngot said: "Dò said that her parents were inflicting violence upon her, but that she would not consent in any way...". Moreover, Reverend Father John Guèguend, an apostolic missionary, residing in La-Gi, and having charge of the district in which the parish of Cu-Mi is located, testified: "Before the proclamation of the banns, Martha Dò told me that she did not consent to this marriage, to which her father was forcing her through force and threats; and she asked me to tell this to her parish priest, Reverend Father Lefebre, which I did." Reverend Father Augustine Lefebre, who was present at the celebration, testified: "I instructed her (Martha) to

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clearly state whether she consented or did not consent... Then her father, being present, said vehemently: "Clearly state whether you consent or do not consent..."". Indeed, among the witnesses brought forward from the opposing side, Paulus Can and Martha Dan testified about the forceful will and rebukes of the father. Dominic Minh testified that he heard Martha Dò "denying that she wanted a husband." Petrus Qua reports that he heard certain things from Martha Dò, from which it is not obscurely inferred that she was reluctant to grant the conjugal duty. Thaddaeus

[*Latin ed. p. 555*]

Saint Bonaventure states that Bòn affirmed that she had received information from a physician who had treated the father of Marthe, and that the father himself had been distressed because the two young people were not living together maritally. It is also important to note that the apostolic vicariate had ascertained the sentiments of the parties involved regarding the validity of the marriage: "Considering the Annamese custom, the paternal authority, and the reverential fear of the young people, it seems quite clear that Marthe Sò did not consent to this marriage. This is also the opinion of two neighboring apostolic vicars, whom I deemed it necessary to consult." Therefore, based on the testimonies of witnesses, and on the circumstances both preceding and following the marriage, there remains no doubt that Marthe Sò was compelled to enter into marriage with Petro Dò through grave and unjust fear. The law pertaining to this matter is stated in chapter XIV, On Spouses and Marriage: "Where there is no place for consent, when fear or coercion intervenes, it is necessary that, where the consent of each is required, the matter of coercion be removed. Marriage, however, is contracted solely by consent, and where this is questioned, it must enjoy full security, and the mind of the person to be investigated must be examined, lest, through fear, he say that he approves of what he hates, and that the consequences that usually follow forced marriages may occur." These points are confirmed in chapters 15 and 28 of the same title, and in the chapter On He Who Took [a Wife]... From this, theologians and canonists unanimously conclude, and canonical jurisprudence confirms, that a marriage contracted through grave fear is invalid in both the external and internal forum, if that fear was unjustly and directly imposed to extort the marriage; St. Thomas, Suppl., qu. 47, a. 3; Sánchez, De Matr., lib. 4, dis. 12, n. 18; Pirhing, lib. IV, Decr., tit. 1, n. 98; Reiffenstuel, eod. tit., n. 325; Pichler, eod. tit., n. 119; Gasparri, De Matr., II, n. 930 et seq.; Wernz, De Matr., II, n. 255, etc.

One species of fear is reverential fear. And D'Annibale (Theol. mor., I, n. 138) states that it is that fear which is caused by the authority of another, in whose power we are; such as a prelate, a lord, a father, a husband, a tutor (Ex. 22:23; De Bit. Nupt. Pont. M., lib. IV, cap. 5; Salm. IX, 9, 34; S. Alph., VI, 1056). It is defined as the estimation of a future evil, which we fear from

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those in whose power we are (Pont., n. 1; Salm. I). And it must be measured primarily by the character and morals of the individual (Less., II, 17, 35; Pont., n. 4). Nor is it the fault of the individual if he acts in accordance with the custom of his people, unless he did so unwillingly (Lugo, n. 150). Some consider this to be the fear of offending only the lord, the father, etc.

[*Latin ed. p. 556*]

556 Acta Apostolicae Sedis. - Commentarium Officiale. some are apprehensive; others, on the contrary, fear something grave from him, e.g., disinheritance, expulsion, etc. Neither is fully correct; not the former, because fear without any danger of damage is not understood (L. 6, c. De his quae vi; Pont., n. 3); nor the latter, because when such a serious damage is imminent, the fear is simply to be called grave. Therefore, reverential fear is said to exist when someone fears the anger (which is certainly an evil) of a father, master, etc., even if there are no beatings or threats. But if these are serious and prolonged, a greater evil will result, and therefore the fear will not unreasonably be considered grave (Sánchez, cited, n. 14; Pont., n. 6; Salm. IX, 9, 3, 4; Reiff., III, 31, 115). Although, therefore, reverential fear in itself and in general is light (Pichler, lib. IV, tit. 1, n. 108; Wernz, De Matr., II, n. 264, etc.), yet if the anger that is feared is serious and prolonged, it becomes grave in its own kind (D'Ann., cited; Sánchez, cited, lib. IV, dis. 6, 14), or if quarrels, threats, or beatings, etc., are added, it becomes qualified, and therefore it invalidates the marriage (Pirhing., lib. IV, Decr., tit. 1, n. 109; Pichler, cited, ib.; Wernz, cited, ib., etc.), and in external matters, it should be presumed to be grave if these circumstances are present (Gasparri, De Matr., II, n. 942; Santi, lib. IV, tit. 1, n. 144, etc.). In the case, it is evident that the fear was grave, qualified, and was being used to extort the marriage. But there is also no doubt that it was also unjust; for although parents may, by lawful means, persuade their children to enter into honorable marriages, they have no right to force them into marriage against their will, by coercion, force, or threats, as is verified in this case. It cannot be inferred from the actress's account that she yielded to her brother's persuasions, and therefore the marriage should be attributed more to piety towards her brothers than to fear induced by her father. The words spoken by the actress to her brother express only an external consent, and her submission to the will and authority of her father; or, if she yielded, she yielded entirely unwillingly (Lugo, n. 150), and under the influence of her father's coercion and threats (D'Annib., cited, in fin.). It cannot be said that fear was present only at the beginning; for even after she submitted to her father's authority and threats, her father still wanted to beat her with a rod and bind her with ropes, because she was abstaining from food; and when the parish priest asked her whether she consented or not, her father was present, and he rebuked her severely, so that, according to chapter XIV, De Spons. et Matr., she was not fully secure. Furthermore, it is clearly

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demonstrated that the fear persisted both before and after the publication of the banns, up to the celebration of the marriage.

[*Latin ed. p. 557*]

The Roman Rota. 557, based on the testimony of the actress, and then on the testimonies of Anne Binh, Mary Kinh, and other testimonies and circumstances; indeed, all the aforementioned testimonies convincingly prove that she was not ambivalent and hesitant, but truly unwilling and reluctant. Furthermore, the judge did not again question the actress regarding the legitimate petition of Peter Do, as to why she said that, after the death of her father, she would no longer consent to the initial marital agreement that Martha had broken. For she had already said sufficiently and abundantly that she had either not consented to the marriage at all, or that she had consented under duress, through a grave fear instilled by her father, and that she believed her marriage to be invalid. Moreover, Anna Binh, Mary Kinh, and Reverend Father John Gueguend, and Mary Viu, among others, testify that the cohabitation was far from peaceful. After carefully considering all of these matters, both of fact and of law, invoking the name of Christ, we, the undersigned Auditors sitting for the tribunal, and with God alone before our eyes, decide, declare, and definitively pronounce: That the nullity of the marriage exists in this case, or, responding to the proposed question: Affirmative. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session 25, of the Council of Trent, on Reforms, using the executive and coercive means that are most effective and appropriate for the circumstances. Given in Rome, in the seat of the Sacred Roman Rota, on the 14th of July, 1913. Aloysius Sincero, President. Joseph Mori. Frederick Cattani. From the Chancery, August 11, 1913. Sac. T. Tani, Notary.

[*Latin ed. p. 558*]

Acts of the Apostolic See. - Official Commentary. 558. SECRETARY OF STATE CONCERNING THE PROMULGATION OF CERTAIN PAPAL CONSTITUTIONS AND LAWS. By order of the Most Holy Father, on December 26, 1913. Having recently completed the edition of the volumes entitled "Acts of Pius X," in order to prevent any doubt regarding the legitimate promulgation of the papal constitutions and laws contained therein; Our Most Holy Father, Pius PP. X, moved by divine providence, having been informed by the undersigned Cardinal Secretary of State, has deigned to decree: that all and each of the constitutions and laws contained in the aforementioned four volumes are to be considered fully promulgated, and therefore valid and firm, as if they had been inserted verbatim in the official commentary "Acts of the Apostolic See."

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All contrary provisions, even those deserving of special and individual mention, are to be considered of no effect. Given in Rome, from the Secretariat of State, on the aforementioned day, month, and year. R. CARD. MERRY DEL VAL. L. © S. LETTER. TO THE MOST REVEREND FATHER, DOM HECTOR IRENAEUS SEVTN, ARCHBISHOP OF LUGDUNI, CONCERNING THE ANNUAL CONGRESS OF CATHOLIC JURISTS OF GALLIAE, TO BE HELD IN LUGDUNI. Monseigneur, The Holy Father has experienced great satisfaction in learning, through the letter of Your Eminence of September 29th last, that the thirty-seventh annual Congress of Catholic Jurists of France, which will be held in Lyons, under your presidency, on October 27th next, will have as its subject of study the relations between the Church and the State. For the study and discussion of a matter so important, the Catholic jurists will find the path clearly and securely marked in the teachings of the Popes; therefore, they could do no better than to adhere faithfully to the doctrine.

[*Latin ed. p. 559*]

The Secretariat of State. 559, as expounded in the immortal Encyclicals of Leo XIII, and, with regard to the events recently occurring in France, they will adhere to the most prudent actions of the reigning Supreme Pontiff, Pius X. This doctrine of the Holy See has been illuminated by distinguished theologians and jurists, among whom, in addition to the Cardinals Tarquini and Cavagnis, whose names Your Eminence so aptly recalls, it is fitting to mention also the most eminent Cardinal Billot, an honor to the Church and to France. In this precious arsenal, one will find what is necessary to refute the ancient and modern errors with which the enemies of the Church are imbued, and from which even some Catholic writers do not always seem entirely free, particularly when they conceive of the two societies, ecclesiastical and civil, as simply coordinated with each other, or when they limit the indirect jurisdiction that the Church has the right to exercise over temporal matters to a purely directive power, when those matters have a supernatural aspect. Once the Congress members have clearly affirmed the true fundamental principles that govern the relationship between the Church and the State, principles based on divine law and therefore immutable, it will be easy for them to properly assess the relationship of the Church with particular states, both in their historical development, and in their present state, both in general, and with respect to each of the legal institutions. They will then conclude that, while, on the one hand, the realization of concord between the two powers, in accordance with the true maxims of ecclesiastical public law, is supremely advantageous to the good of souls and the happiness of peoples, on the other hand, the situation in which the Church finds itself in a good number of states is far from corresponding to the aforementioned principles, and, moreover, this situation in which the Church finds itself is sometimes, in reality, injurious and intolerable, to the

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great detriment of religious peace, and even of civil concord and prosperity. May it please God that the studies and resolutions of the Catholic Jurists, followed by practical, constant, and fruitful action, contribute to bringing minds back to the profession of pure and sound doctrines, and to the respect for the inviolable rights of the Church, instituted by Jesus Christ as an independent and perfect society. To procure these happy results, the Supreme Pontiff gladly sends His best blessings to Your Eminence, to the Congress members, and to their work.

[*Latin ed. p. 560*]

560 Acta Apostolicae Sedis. - Official Commentary. Receive, Monsignor, along with my personal wishes for the complete success of the Congress, the assurance of my most devoted sentiments in Our Lord. From the Vatican, October 14, 1913. R. CARD. MERRY DELVAL, SECRETARY OF STATE. BY ORDER. With letters from the Secretariat of State, the Holy Father has deigned to appoint: December 12, 1913. — The Most Reverend Cardinal Anthony Vico, Protector of the Congregation of the Daughters of the Most Holy and Immaculate Heart of the Blessed Virgin Mary. December 13, 1913. — The Most Reverend Cardinal Gennaro Granito Pignatelli di Belmonte, Protector of the Institute of Regular Canons of the Immaculate Conception. December 20 — The Most Reverend Cardinal William van Rossum, Protector of the Sisters of the Holy Cross in Ingebohl in Switzerland, and of the Congregation of the Sisters of the Third Order of Saint Francis the Seraphic and of Saint Felix of Cantalice. December 31. — The Most Reverend Cardinal Ottavio Cagiano de Azevedo, Protector of the Sisters Daughters of Calvary. With letters from the Secretariat of State, the Holy Father has deigned to appoint: Honorary Secret Chamberlains to His Holiness: December 1, 1913. — Monsignor Enrico Sánchez Paredes, of the archdiocese of Angelopoli (Mexico). — Monsignor Ignazio Gonzalez, of the same archdiocese. — Monsignor Giacomo Hoffelner, of the diocese of Budweis. — Monsignor Carlo Slavik, of the same diocese.

[*Latin ed. p. 561*]

Diarium Romanae Curiae. 561, December 5, 1913. — Monsignor Anthony Frollo, pastor of St. James from the Orio in Venice. December 21. — Monsignor Enrico Benedetti, secretary of the Sacred Congregation for the Propagation of the Faith, concerning Eastern Rites. December 22. — Monsignor Peter Erlacher, of the archdiocese of Munich (Bavaria). Honorary chamberlains in peacock blue attire of His Holiness: November 30, 1913. — Monsignor Anthony Kugyelka, of the diocese of Neosolio. — Monsignor Arnold Bobok, of the same diocese. December 1. — Monsignor Theodore Kasper, of the diocese of Budweis. December 4. — Monsignor Francis Kelbl, of the diocese of Brünn. December 5. — Monsignor Eugene Lampe, of the diocese of Ljubljana. — Monsignor Michael Arko, of the

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same diocese. — Monsignor Leonardo Martin Lurgens, of the diocese of Bois-le-Duc. December 7. — Monsignor Alfonso Gutiérrez, of the archdiocese of Puebla de ios Angeles. — Monsignor Porfirio Ruiz, of the same archdiocese. December 15. — Monsignor Lauro Ferrari, of the diocese of Tortona. December 17. — Monsignor Barnabas Tost de Banyavölgy, of the diocese of Cassovia. December 22. — Monsignor Joseph Benjamin Scaiano, of the diocese of Livorno. Honorary Secret Chamberlain of His Holiness: December 5, 1913. — Monsignor Charles Menegazzi, vicar of St. Moses in Venice. Secret Chamberlain of Sword and Cape, extraordinary, of His Holiness: December 11, 1913. — The Baron, Mr. Anthony de Ow Felldorf, of the diocese of Passau. ACTA, vol. V, n. 19. — 31-12-1913. 39

[*Latin ed. p. 563*]

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June 8

July 4

Eximiae charitatis. – The "Pius Opus," a work for priestly assistance, is erected into an archsodality with the faculty of aggregating everywhere.

Cum Nobis. – The Association of the Most Sacred Heart of Jesus, for the benefit of souls detained in the fire of Purgatory, and all the works instituted by the pious priest, Father Victor Jouet, are entrusted to the Missionaries of the Most Sacred Heart of Jesus of the Italian Province.

Magno est semper. – The new apostolic vicariate of Banguelo, in the Nyassa territory, is separated into two parts.

Archicoenobium Casinense. – Privileges and indulgences in the form of a jubilee are granted for the inauguration of the crypt of Saint Benedict in the cathedral of the Casinensis archicenoby, which has been happily restored.

Salutare maxime. – Perpetual approval is granted to the Constitutions of the Congregation of the Regular Canons of the Immaculate Conception.

Mandatum illud. – The apostolic prefecture of Tripolitana is erected into an apostolic vicariate, distinguished by the title of Libya.

Magni faustiane. – A universal Jubilee is announced in memory of the peace granted to the Church by the Emperor Constantine the Great.

Cum hoc anno. – The faculty of celebrating the Sacred Pontifical at the papal altars is granted.

Significat Nobis. – The faculty of erecting societies with the title of the Divine Infant of Prague is granted everywhere on earth, perpetually.

Refert ad Nos. – The sodality "Mary Queen of Hearts," erected in Rome in the chapel of the Society of Mary of Saint Montfort, is raised into an archiconfraternity with the faculty of aggregating everywhere in all churches.

Ecclesiarum omnium. – A new apostolic vicariate is erected, distinguished by the title of Fianarantsoa, on the island of Madagascar.

Mandatum illud. – The apostolic prefecture in the Orient of India is erected into a diocese, to be called Aimerensem, after the city of "Aimer," which is a Catholic name.

Quae catholico nomimi. – The erection of the ecclesiastical province of Simlensis in the Orient of India.

In pluribus. – Perpetual indulgences are granted to the sodality "Infantes diligentium" everywhere.

Felix catholicae. – The apostolic prefecture of Urubamba is erected into an apostolic vicariate, to be called Urubamba and Mother of God.

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[*Latin ed. p. 567*]

In chronological order. ASNO MONTH! DAY 1913 July. 15 Aug. 17 By similar letters. - Plenary and partial indulgences are granted to the archisodality "by priestly suffrage" erected in Naples. . . Our most esteemed. - The society "for constant prayer for the Pope," founded in Barcelona, is erected into an archisodality with the faculty of aggregating everywhere on earth. It exists in that place. - The archiconfraternity of Saint Christopher is erected in the town of "Saint-Christophe le Jajolet" in the diocese of Sées, and is enriched with indulgences. . . V. 1912 Nov. 1913 Jan. 23 Febr. Mart. 23 26 April. - LETTERS. Yours truly. - To the Most Reverend Father Joseph A. Archambeault, Bishop of Joliette, concerning the flourishing state of the college of Joliette, and therefore, congratulations, along with official greetings. - To the Most Reverend Father Peter E. Garcia Naranjo, Archbishop of Lima, and to the other Bishops of the Republic of Peru, after the council celebrated by them in Lima. With gratitude to us. - To the Most Reverend Father Joseph Angelucci, Bishop of Città della Pieve, and to the clergy of his diocese, both, who have shown a singular example of veneration and devotion to the Blessed Father. In that republic. - To the Patriarch Vincent Mendes Bello of Lisbon, concerning recent events in the Republic of Portugal in the Church. . . . Which we will consider soon. - To Cardinal Vincent Vannutelli, whom he sends as his legate to Paris, to preside over secular celebrations in honor of Frederick Ozanam, offering highest praise for Ozanam and his work. Thank you. - To the Most Reverend Fathers Bernard Herrera Restrepo, Archbishop of Bogota, and to the other Archbishops and Bishops of the Republic of Colombia, in gratitude for the letters full of piety which they sent together. In so much. - To the illustrious Mr. Emmanuel, Count de Torre Diaz, president of the group managing the work called "Catholic seamen's home and institute." Which recently. - To the Most Reverend Father German Breton, Prelate of the pontifical house, and rector of the University of Toulouse, he rejoices in the progress of studies, praises the growth of the philosophical discipline, and desires the number of students to increase. Among public matters. - To Cardinal Dominic Ferrata, Archpriest of the Lateran, to whom he announces his Lega- 567

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568 IN THE YEAR 1913. Index of documents. MONTH: April, May, June, July, August. DAY: then, regarding his attendance at the Eucharistic Congress: Melitense, 28. Praiseworthy. - To Francis Virgil Dubillard, Cardinal, Archbishop of Chambéry; the priestly federation "For the Pope and the Church," of which he is the founder and director, offers congratulations. . . 3 Pleasant greetings. - To Desideratus Mercier, Cardinal, Archbishop of Mechlin, on the occasion of the fiftieth anniversary of

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the founding of the College of St. Rumold in Bologna, recently. - To Julius Boschi, Cardinal, Archbishop of Ferrara, Bishop of Comacchio, and other Archbishops and Bishops of the region of Flaminia, recently gathered in Bologna, wishing them a blessed Advent. - To Reverend Father James Cardona y Tur, titular Bishop of Sion, recently completing the fiftieth anniversary of his priesthood. 30 To the Bishops of Colombia. - To Reverend Father Bernard Herrera Restrepo, Archbishop of Bogotà, regarding the Eucharistic Congress to be held in Bogotà, Colombia, next September. 5 The Jubilee is approaching. - To His Majesty William II, Emperor of Germany, King of Prussia, on the occasion of the twenty-fifth anniversary of his reign. With heartfelt greetings. - To Reverend Father Joseph Hiss, director of the Marian Society, on the occasion of the fiftieth anniversary of the date on which he pronounced his religious vows. 3 For us. - To Reverend Father Celestine Endrici, Bishop of Trent, to offer congratulations. . . . 16 The discipline of Aquinas. - To Reverend Father Edward Hugon, a priest of the Order of Preachers, a lecturer in dogmatic theology at the Pontifical Angelicum; he offers congratulations on his "Course on Thomistic Philosophy." With heartfelt thanks. - To the gentlemen Kintzinger, Ernest, Federspil, presidents, and Cuny, secretary of the Council or Commission of Mel, for their care of the Catholic Congress of Germany, for the letters of obedience reverently presented to the Most Blessed Father by them. 1 We knew this for some time. - To Charles de Hornig, Cardinal, Bishop of Veszprém, completing the twenty-fifth year of his episcopal service. With heartfelt greetings. - To Reverend Father Michael C. Vasquez, titular Bishop of León, president of the men's group governing the Work named by Leo XIII, for the presentation of the statutes and laws by which that society is governed, reverently presented to the Most Blessed Father. . . From the beginning. - To Reverend Father Hyacinth Mary Cormier, Master General of the Order of Preachers, PAGE 180" 26? 270 361 364 424

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In chronological order. YEAR; MONTH 16 22 September. 25 October. 30 November. PAGE. DAY 1913 I August! 15 560 Concerning the general assembly of the Order, to be held soon in Holland. With most respectful letters. - To the Most Reverend Archbishops and Bishops, who are patrons of the Catholic University of Cattolica, concerning the letters of veneration and obedience recently presented to the Most Blessed Father. - To the Most Reverend Monsignor Julius Mauritium Abbet, Bishop of Sedunensem, and other Bishops of Switzerland, concerning the fiftieth anniversary of their annual meetings, the Constantinian celebrations, and the connection with the Apostolic See. Regarding important matters. - To the Most Reverend Monsignor Ioannes, Archbishop of S. Iacobi of Chile, and other Bishops of the Republic of Chile, who, with common letters sent to the Most Blessed

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Father, expressed their grief over the injuries inflicted upon the Apostolic Delegate among them, and confirmed their obedience and devotion to the Apostolic See. A truly wise undertaking. - To the Reverend Father Ioseph Chiaudano, a priest of the Society of Jesus; congratulations are offered for his work as editor of the periodical "La Civiltà cattolica," which is highly esteemed. Among the excellent. - To Eugenius O' Keefe from the archdiocese of Taurinensem in America; his religious generosity is praised. We do not wish to neglect. - To Leonem Adolfum Cardinal Amette, Archbishop of Parisiensem, and other Archbishops and Bishops, patrons of the Catholic Institute of Paris. "C'est avec une bien douce." - To Monsieur Franciscus Veuillot, who presented the latest part of the life of his father, Ludovici Veuillot, as a filial act of veneration, to the Most Blessed Father. . . . . Fifth and twentieth. - To the Most Reverend Father Alexius Lepieier, the General Prior of the Order of the Servants of Mariae; he writes to offer congratulations for the establishment of a college of the Order in Urbano, dedicated to the sacred disciplines. Recently. - To Augustine Cardinal Richelmy, Archbishop of Taurinensem, concerning the letters filled with devotion presented to the Most Blessed Father, on the occasion of the annual meeting of the Bishops of the region of Pedemontana, recently held in Augustae. We have requested. - To Bernardus Martínez, Director of the Congregation commonly known as "Talleres de Caridad de santa Rita de Casia," concerning the extension of that Congregation from the regions of America Latina. 387 425 427 452 489 513 453 490 515

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THE HOLY OFFICE. SECTION I, CONCERNING INDULGENCES. I. 1912. December 12. 1913. February 20. 27. March 13. 27. Decree concerning Gregorian Masses and altars; also, a Gregorian decree concerning the quality of the Mass required to obtain the indulgence of the altar of special privilege. Decree or declaration concerning the formula of the prayer "Obsecro te," to be recited after Mass. 123. An indulgence is granted to those who recite this pious prayer in order to implore a more abundant fruit of the sacred mysteries. Indulgences are granted for the pious exercises performed during the month of August in honor of the Immaculate Heart of the Blessed Virgin Mary. Christian greetings under the invocation of the divine name of Jesus are granted with a greater indulgence.

[*Latin ed. p. 571*]

In chronological order. YEAR MONTH DAY 1913 April 10, May 11, June 5, 12, 26, August 13. PAGE. Indulgences are increased and extended for a certain devotion to the Most Holy Sacrament. 211. Spiritual graces are bestowed upon sodalities established to promote and assist ecclesiastical vocations. 236. Indulgences of 300 days are granted for the prayers of Saint Vincent Ferrer, imploring God for a holy death. 271. Doubts are resolved concerning holy medals and scapulars. 303. A doubt is resolved concerning the prayers of the Tertiaries of Saint Francis, and others belonging to other sodalities. 304. A decree or declaration concerning pious objects blessed by the Supreme Pontiff. 305. A decree or declaration concerning indulgences granted to the priestly federation "For the Pope and the Church." Extension of the indulgences concerning general absolutions for the Third Order of the Brothers Minor of Saint Francis. 306. The indulgence already granted to the faithful who greet each other with the invocation of the name of Jesus, also adding the name of Mary, remains in effect. 364. Uniform indulgences are decreed for the crosses which are now called "mission crosses." 429. II. January 25, 1913, February 5, March 30, April 10, May 9, June 14, August 17, October 22, 30, December 1. 571. SACRED CONGREGATION CONSISTORIAL. 1. The Church of Saint Apollinaris is granted to the rector of the temple of the Most Holy Trinity, near the Innocentian Curia, who will also assume the duties and title of that church. 60. Establishment of a general vicariate in the city of Lille. 94. A warning concerning a pilgrimage to the Constantiniana celebrations for students from seminaries. 124. Establishment of the dignity of a deanery. 182. A decree concerning priests deputed to serve in France. 238. A declaration concerning new laws enacted by the Republic of Saint Marino concerning ecclesiastical goods. 307. VERAPOLY. Doubts concerning the anti-modernist oath. 272. Translation of the cathedral church. 391. Circular letters to the Reverend Ordinaries of Italy, concerning books to be used by students in seminaries, either in schools or privately. 455. Regulations for the execution of the Constitution "In Praecipuis." 492. The city of "Galatina" in the archdiocese of Otranto is

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placed under a special interdict.

[*Latin ed. p. 572*]

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COUNCIL. SACRED CONGREGATION CONGREGATION 34. 96 OF RELIGIOUS ORDERS. Circular letters to superiors of religious orders and congregations concerning the reading of ephemerides. Decree concerning the confessions of nuns and religious sisters. Authentic versions of the preceding decree: Italian version. French version. Spanish version. German version. English version. Decree by which the new edition of the general constitutions of the Order of Friars Minor is approved. Doubts concerning the manuscripts of religious. . . . . Decree concerning the administration of the sacrament of absolution to religious members. VI. - 1912 CONGREGATION OF BISMARCK AND ITALIAN AFFAIRS. Decree concerning the privilege of reciting the Divine Office according to the ancient order of the Psalter. V. - S. 1913 - S. 183. 7. 62. 156. 159. 240. 243. 246. 366. 431.

OF THE PROPAGATION OF THE FAITH. The mission ”de Putumayo” is established for the Indians of South America. -308 The Apostolic Prefecture of Kaffa Meridionale is established. The Vicariates of Bagamoien and Daressalam are equated in civil status. 215 A new Apostolic Prefecture of Betafo is established on the island of Madagascar. 273 The names of the existing Apostolic Vicariates on the island of Madagascar are changed. 274 The Apostolic Prefecture of Bar-el-Gazal in Central Africa is established. The Apostolic Vicariate of Sudan is renamed. 250 The archipelago of Spitzbergen is added to the Norwegian Apostolic Vicariate. Changes are made in the Apostolic Prefectures of Cimbebasia Inferior and Magni Namaqualand. . . . 250 The Apostolic Prefecture of the island of Formosa is established. . 366

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YEAR MONTH DAY 1913 July 19 The boundaries between the apostolic vicariates of Fokien are changed.

September 25 The apostolic prefecture of Terrae Gulielmi is divided into two.

September 8 The apostolic prefecture of Kaffensis in northern Africa is established.

November 12 The apostolic prefecture of the Sunda Islands is established.

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The apostolic prefecture of Lindi in Africa is established.

VII. - SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. FOR MATTERS CONCERNING THE EASTERN RITE.

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18 Decree establishing mutual disciplinary relations between the Canadian Latin bishops and the Ruthenian bishop of that region, as well as between the clergy.

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Decrees prohibiting certain works.

Decrees prohibiting certain works.

Decree prohibiting a specific work.

IX. - SACRED CONGREGATION FOR RITES.

Decree for the beatification and canon and canonization of the Venerable Servant of God, Marcus of Aviano, a professed priest of the Order of Friars Minor of Saint Francis of Assisi.

December, VIENNEN, OR VENETIANS.

12 Instruction or declaration concerning proper calendars.

January 31 Decree concerning the causes of the Servants of God proceeding by the way of exceptional process, the discussion of which was suspended after the publication of the decree "Concerning Matters to be Handled."

February 8 Decree or declaration concerning the rubrics of title X, number 2, 1912.

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Doubts concerning certain ceremonies to be observed before the Most Holy Sacrament, in the presence of or with the celebration of.

Rubrics to be inserted in the Roman Ritual and Breviary.

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Concerning the celebration of the feast of Saint Sepulchre outside of Paschal time.

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162 DELEGATION OF THE APOSTOLIC MISSION IN CANADA.

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Decree concerning the beatification and canonization of the venerable Servant of God, Peter Donders, professed priest of the Congregation of the Most Holy Redeemer.

LAURETANA.

Concerning votive Masses to the Blessed Virgin Mary, according to the privileges.

Decree concerning the changes to be made in the Roman Breviary, according to the apostolic constitution "Divino afflatu."

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Decree concerning the beatification and canonization of the venerable Servant of God, Anthony Chevrier, priest, founder of the asylum "La Providence du Prado," and of the institute of the Priests of Prado.

Decree approving the new edition of the typical Roman Ritual.

Decree concerning the prayers to be recited at the end of Mass.

NIVERNUM.

Decree concerning the beatification and canonization of the venerable Servant of God, Sister Mary Bernard Soubirous, of the Society of Sisters of Charity and Christian Instruction of Nevers.

Decree concerning vigils to be held before the relics of martyrs on the night before the dedication of a church.

Decree concerning the correction of certain regulations at the beginning

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of causes of Servants of God, and concerning the proper use of historical documents in these causes.

General Decree concerning the Motu Proprio "Abhinc duos annos."

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Concerning the Calendar of the Most Holy City and its district.

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Bréviaire Romain."

[*Latin ed. p. 577*]

Chronologically arranged. YEAR MONTH DAY 1913 June 23 August 22 23 25 October 14 16 October To the Reverend Father J. Lintelo, S.J., because the numbers of the periodical "Action eucharistique" have already been printed, with filial devotion, reverently offered to the Most Blessed Father. To the Reverend Father D. Alcim Gouraud, Bishop of Vannes, who, as a sign of veneration, reverently offered to the Most Blessed Father the book entitled "Pour l'action catholique." To the Reverend Father D. Jean Chesnelong, Archbishop of Sens, because he presented to the Most Blessed Father letters concerning sentiments of faith and religion aroused and to be aroused in that archdiocese. To the Reverend Father Julian G. Conan, Archbishop of Port-au-Prince, because, as a sign of filial veneration, on the occasion of the spiritual exercises of the clergy of that archdiocese and the diocese of Gonaïves, he presented to the Most Blessed Father a letter. To the Illustrious Monsieur Gerlier, President of the French Catholic Association, and other members of the General Committee of the same Association, for expressing gratitude for the letters presented to the August Pontiff on the occasion of the federal pilgrimage of French Catholic youth. To the Reverend Father Corbillé, for the "Benemerenti" medal given by the Most Blessed Father to Monsieur Henry Gerlier, President of the French Catholic Youth Society. To the Reverend Father Victor Guisasola y Menendez, Archbishop of Valencia, who sent a copy of pastoral letters, as a sign of devotion, to the Most Blessed Father. To the Reverend Father Francis M. Gieure, Bishop of Bayonne, on the occasion of the upcoming congress of sacred music. To Joachim Cardinal Arco Verde de Albuquerque Cavalcanti, Archbishop of São Sebastião do Rio de Janeiro, for the letters of gratitude presented to the Most Blessed Father on the occasion of the pilgrimage of Catholics of Brazil. To the Reverend Father Hector Ireneus Sévin, Archbishop of Lyons, concerning the annual congress of Catholic jurists of France, to be held in Lyons. To the Reverend Father Garnier, director of the French association called "Ligue de l'Évangile," on the occasion of the fourth congress of the same association, to be held soon in Paris. To Madame T. P. de Uriburu, President of the Conferences of Saint Vincent de Paul in the city of Buenos Aires, for the annual "remembrance" of those Conferences, reverently offered to the Most Blessed Father. To the Illustrious Monsieur P. Tuli, President of the society called "Centro cattolico degli studenti," A™ , vol. V. n. 19. — 31-12-1913. 40

[*Latin ed. p. 578*]

IN THE YEAR 1913. An index of documents arranged in chronological order. IN THE MONTH OF NOVEMBER, on the 15th and 30th days, in the city of Buenos Aires, due to the action of thanksgiving for the filial devotion

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with which obedience is rendered to His Holiness, to the Reverend Canon Lahargou, president of the association "Alliance des Maisons d'éducation chrétienne," for the volume reverently presented to His Holiness, which concerns the congresses held by that Association. To the Reverend Father Janvier, O.P., who reverently presented to the August Pontiff a copy of the recently published volume of sacred prayers, recited by him in the metropolitan church "Notre Dame" in Paris. To Stanislaus Medolago Albani, Count, president of the socio-economic union for Catholics in Italy, concerning lectures in sociology at the Catholic social school. To Stanislaus Medolago Albani, Count, concerning the renewal of the functions of the federation commonly called "Unione economico sociale."

FROM AN AUDIENCE WITH THE MOST HOLY. Concerning the promulgation of certain Pontifical constitutions and laws. V. - PONTIFICIAL COMMISSION FOR THE CATHOLIC BIBLE, 1913. June 12. Concerning the author, the time of composition, and the historical truth of the book of the Acts of the Apostles. Concerning the author, the integrity, and the time of composition of the pastoral epistles of the Apostle Paul.

[*Latin ed. p. 579*]

m. INDEX ANALYTICUS RERUM NOTABILIUM. Abbot Julius Mauritius, Bishop of Sedunum, and other Bishops of Switzerland, who, having met at the annual assembly, sent a common letter, receive a letter in which it is stated that the Most Reverend Fathers of this assembly have greatly contributed to obtaining the tranquility and peace that Catholics in Switzerland now enjoy, 427; they are urged not to neglect their flocks, and to excite the faithful to the greatest fervor of charity and to prayers for the Church through the celebration of the feasts of Saint Constantine, and thanks are expressed for the prayers offered for His Holiness's health, 428. Acts of Pius X: The laws and constitutions of the Pontificate contained therein are to be considered legitimately promulgated, 558. "Action catholique" periodical, see v. Lintelo. The Book of Acts is to be considered solely as written by Luke towards the end of Paul's first Roman captivity, even with regard to those parts of the book in which the use of the first-person plural is found, 291; it claims full historical authority, despite the difficulties arising from concise accounts and apparent contradictions with profane and biblical history, 292. The diocese of Adamantina cedes a certain territory to the newly established diocese of Araçuaí, 430. Adoration perpetual (Congregation of), see v. Dubouché. Apostolic vicariate of Central Africa, see Sudanensis. Agra province: the new diocese of Ajmer is assigned to it, 266. The Most Reverend Father rejoices that the discipline of agriculture has been introduced in the Catholic University of Angers, 426. The diocese of Ajmer is erected in India from the apostolic prefecture of Rajputana, 265, and is assigned to the province of Agra, 266. The diocese of Saint Albert in Canada is divided into two parts, one of which is constituted as the

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new archdiocese of Edmonton, the other as the diocese of Calgary, 182. The college of Saint Alexis Falconer, open in Rome to students of the Servants of the Most Blessed Virgin Mary from all nations, is praised, 454. "Alliance des maisons d'éducation chrétienne," see v. Lahargou. Altar: - Gregorian, see (v.). - Certain minor altars in the crypt of Monte Cassino are declared privileged, 116. - Privileged: an indulgence can be obtained by celebrating any Mass, even on days when Masses for the dead are permitted according to the Rubrics, 122; it is granted for all Masses said in suffrage for the members of associations assisting ecclesiastical vocations, 237, as well as for the association "Infantes diligentium," 302, and for the archisodality "for priestly suffrage," 386. Ambrose Aloysius: his book on the elements of philosophy, to be excluded from seminaries, 456. The college of Saints Ambrose and Charles, attached to the Roman Major Seminary, which has been moved to new buildings near the Lateran Palace, has its revenues distributed in the form of free pensions, which will be granted in turn to students from the dioceses of Upper Italy, 495. Priests of America, who without any jur-

[*Latin ed. p. 580*]

5. 80 Index analyticus rerum notabilium. Those who have been incorporated into the clergy, and cannot be sent back to their original dioceses by bishops, 34; they are bound by an oath in any diocese to observe the same oath that they made in the diocese of their ordination, 38. Cardinal Leo Adolphus, Archbishop of Paris, and other patrons of the Catholic Institute of Paris, receive a letter in which the Most Holy Pontiff confirms his benevolence, 489, and expresses confidence that the separation of three dioceses from their association will not cause any detriment to the University of Angers, and rejoices at the newly instituted disciplines, and urges the people of those dioceses to contribute generously, 490. The Apostolic Vicariate of Amoy loses jurisdiction over the island of Formosa, which is erected into a prefecture, 366, and is separated from the Apostolic Vicariate of Foki with new boundaries, 367. The Sisters of Charity, founded by Saint Mary Crucified of Rosa, are mentioned. The Archbishop and patrons of the Catholic University of Angers receive a letter in which the Most Holy Pontiff expresses gratitude and congratulations for the common letters sent to Angers, which confirm that the Catholic doctrine is to be taught integrally in the university, and that modernism is to be completely rejected, 425; he praises the addition of new disciplines in agriculture and in the laws and regulations of commerce; he notes that many teachers, experts in law, and those devoted to the Catholic cause, who are educated at the University, are of great benefit to the Church and to the state; he laments the scarcity of resources and praises the diligence of the professors, who, despite being paid little, have not hesitated to provide for themselves; and to alleviate this shortage, he exempts the dioceses of Vannes, Quimper [Cornouailles], and

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Saint-Brieuc from the obligation to contribute to the Catholic University of Paris, and assigns them to the dioceses subject to the University of Angers, 426, confident that the generosity of Catholics in France will ensure that the Parisian institute suffers no detriment from this. Cardinal Paulinus Peter Andrieu, Archbishop of Bordeaux, is praised for his declaration against "Le Bulletin de la semaine," and the Most Holy Pontiff offers his congratulations, 289. Joseph Angelucci of the City of Pieve is mentioned. The diocese of Saint Anne is erected in the Republic of El Salvador, and is assigned territory taken from the new archdiocese of Honoryma, to which it remains a suffragan, 95. "Annales de philosophie chrétienne" is included in the index, 216. It is not required that a priest from outside the diocese take an oath in order to be admitted to hear confessions, provided that his ordinary approves, even if he is attached to the Syro-Malabar rite, provided that he has not taken the oath itself, but in this case, permission may be granted by way of a temporary act, 272. The superiors of religious houses are mentioned. The church of Saint Apollinaris in the City of Rome, together with the adjacent house, is assigned to the rector of the church of the Most Holy Trinity near the Innocentian Palace, which is to be demolished, and from then on, the Most Holy Trinity will be named in its place, 61. The diocese of Arassuahi is erected in Brazil, with territory taken from the diocese of Adamantina, 430. Bishop Joseph Alf. Archambeault of Joliette receives a letter in which the Most Holy Pontiff expresses joy at the flourishing state of the college of Joliette, in which students are prepared for both civil service and ecclesiastical ministry, and at the number of those who, having been educated there, are working for the good of the republic and the Church, 29. The archdioceses of Managua, 549, and of El Salvador in Central America, 95, are erected. The following archconfraternities are erected: - of the Queen of the Holy Rosary in Rome, 485; - of the Perpetual Adoration for the Holy Pontiff in Barcelona, 417; - of priestly assistance in Naples, 361*. Cardinal Joachim Arcoverde de Albuquerque Cavalcanti, Archbishop of Saint Sebastian of Fluminense, is praised for the subsequent letters exhibited by the Most Holy Pontiff in the name of the entire episcopate and people of Brazil, and for the collection of funds for the construction of the apostolic nunciature, 478. The Republic of Argentina is mentioned. The Apostolic Vicariate of Athabaska is placed under the new Archdiocese of Edmonton, 182. The synod of the diocese of Augusta is praised, 227. The month of August is dedicated to the Heart of Mary. The religious journal "Avvenire (L')" d'Italia is prohibited to religious, 7.

[*Latin ed. p. 581*]

Index analyticus rerum notabilium. The vicariate apostolic of Bagamoi is separated from the archdiocese of Dar es Salaam by civil boundaries, 215. Pius Marcellus Bagnoli, Bishop of Marsorum, is praised for the sentiments of devotion with which he instilled in the students of the seminary, 226.

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Bahia, see Salvator. The apostolic vicariate of Pangúelo is established in central Africa, from territory detached from the vicariate of Nyassa, 233, and is entrusted to the Congregation of Missionaries of the Africans, 234. The society of Barcelona, of the Perpetual Adoration, see Perpetual Adoration. The apostolic prefecture of Bar-el-Gasal is established in central Africa, from territory detached from the vicariate of Sudan, and is entrusted to the Congregation of the Brothers of the Most Holy Heart of Jesus, 249. The feast of Saint Barnabas: on this day, outside of Sunday, the consecration of bishops cannot be performed, 186. The diocese of Barra is established, from territory formerly subject to the archdiocese of the Most Holy Savior of Bahia, 548. The feast of Saint Bartholomew the Apostle is observed everywhere on August 24th, 463. Causes of Beatification, see Servants of God. Begey and Pavero: their work on R. P. D. Puecher-Passavalli is referred to in the Index, 9. Peter Benedict, a missionary of the Most Sacred Heart of Jesus, is appointed by the Holy Father to the oratory of the Most Sacred Heart, for the salvation of the souls in Purgatory, in Rome, to the Congregation established there, the church being built, and the parish to be instituted there, 28. "Benedictus Dominus" can be sung solemnly even in the Second Class of the Divine Office, 187. The Benedictine Order: the Holy Father remembers all those who are called "lay brothers," whom Leo XII united under one primate abbot, 145, to whom, infirm in health, he assigns a coadjutor, to be chosen according to custom, 146, see Hemptinne. The entire Order of Saint Benedict: the Holy Father prays for its prosperity, and blesses it, 115, see Monte Cassino. Saint Benedict, Patriarch of the Western monks, the arch-monastery of Monte Cassino is ennobled by its sanctity, 113, and by its relics, 581, and receives testimony of the greatest love and devotion from all in the restoration of the crypt of Monte Cassino, 115: in his honor, a Jubilee is announced, 116. The votive Mass for him is permitted to be said daily, at the altars of the crypt of Monte Cassino and at the main altar of the cathedral, for those not hindered by the Second Class of the Divine Office, 116. The apostolic prefecture of Betafo is established on the island of Madagascar, from territory detached from the vicariate of central Madagascar, 273, and is entrusted to the care of the Missionaries of La Salette, 274. Aloysius of Bethlehem receives a letter, in which the "Œuvre des lectures" instituted by him is praised, 19. Cardinal Louis Billot: his legal works are praised, 559. The Cathedral of Blois: a deanery is established there, 182. The apostolic vicariate of Bleufields is established in the republic of Nicaragua, 549. The Eucharistic Congress of Bogotá, see Herrera. The archdiocese of Boniface loses its metropolitan rights over the diocese of Saint Albert and the apostolic vicariates of Athabaska and Mackenzie, 182. The canonical laws, properly applied, are sufficient for the preservation of ecclesiastical goods, 308. Cardinal Julius Boschi, Archbishop of Ferrara, Bishop of Comacchio, and other prelates of the region of Flaminia, receive a letter in which the Holy Father expresses his gratitude for their letters of

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devotion and for the prayers offered for his good health, and he commends the celebration of the feast of Saint Constantine throughout the Church to gather her children from all places, 268. Brazil, see Arcoverde. The Apostolic Nuncio to Brazil: the Holy Father rejoices that new buildings are being prepared for him, 478. Henry Brémond: his book on Saint Joan of Chantal is referred to in the Index, 216; he submits himself commendably, 277. Germanus Breton, Archbishop of Urban, rector of the University of Toulouse, receives a letter in which the Holy Father rejoices at the order of studies, praises the intention of increasing the study of philosophy, expresses his desire that the number of students be increased, and urges the bishops patrons to provide each year a certain number of students for phi-

[*Latin ed. p. 582*]

582 Index of notable matters. Those who are to be educated in philosophy and sacred disciplines are sent, 179. Roman Breviary: Certain rubrics concerning the beginning of the Office of the Dead and the IX Responsory within that Office are changed, 66; those who recite according to the ancient order of the Psalter, by privilege, should not abandon it, and should also use the diocesan calendar, even on Sundays and weekdays, and excluding votive Offices, 97. The changes made therein, in accordance with the Apostolic Constitution *Divino afflatu*, are collected in a book and approved, 278; it is desired that the universal calendar of the Church be restored, that readings from Scripture and the Fathers be selected, that the histories of the Saints be revised for accuracy, all of which will take a long time, according to the Most Holy Pontiff, 449; on the occasion of the preparation of a new edition of the Breviary, it is decided that no feast, except for the feasts of the Trinity and the Name of Jesus, should be permanently assigned to Sundays, that all of Class I should be observed on the Fourth Sunday of Easter, that the Octave of Easter of Class I, not privileged, should take the antiphons and Psalms of the feria, 450, that the Octave of Easter of Class II should be recited only on the day of the Octave, with a simple rite, 451, that Responsories of the Season should always be added to the readings from Scripture, and that perpetual translations should also be omitted, except for those of Class I or II, 451. The diocese of Briocensis is exempt from charges for the Parisian Catholic Institute, 426, and will provide assistance to the Andegavensis university, 427. The diocese of Caetitensis is erected, with territory taken from the archdiocese of Ssmi Salvatoris de Bahia, 548. The diocese of Calgariensis is established in Canada, with territory separated from the diocese of S. Alberti, and will be subject to the new archdiocese of Edmontoniensis, 182. The diocese of Camagûeyensis is created on the island of Cuba, 94. The archdiocese of Cameracensis: within it, the general vicariate of Insulensis is established, 94, which, when the archiepiscopal see is vacant, 481, will be constituted as the new diocese of Insulensem, 482, see Insulensis. A canonry conferred by a simple signature with the clause

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"as long as... no fruits are produced," is valid even if those same fruits are subsequently added, 128. Canons, after the suppression of the chapter or clergy of a church, by civil authority, generally do not participate in the vital revenues that are left to the existing canons, 131; those who enjoy the insignia and honors of a protonotary, may use them in their diocese, even if they are not included among the domestic prelates by the Most Holy Pontiff, 545. Honorary canons participate in the honors of others, but they have nothing to give, 128, unless this happens in a special way and for special reasons, 129. The religious orders have always proven themselves to the Church, 117. The Institute of the Immaculate Conception, established in Gallia in the past century, and briefly widely spread, except in the city itself, 118, and praised and approved by the Apostolic See, are commended for joining their regular life with apostolic ministry in frequent cities, and for providing valuable assistance to bishops in the administration of seminaries, 120; their Constitutions are approved, 121. Causes of canonization, see Servants of God. The feast of Saint Canutus (S.), king, reduced to the simple rite, is transferred to the feast of Ss. Marci and Sociorum Mm., 462. The college of Capranica can receive clerics to be educated, according to its original foundation, 300. James, Bishop titular of Sionensis, Cardona y Tur: the Most Holy Pontiff congratulates him on the anniversary of his priestly ordination, 270. Caritas: the limits of which are unjustly overlooked by justice, the subordination of the use of property to charity itself, and the absolute equality of men, are not approved by the Most Holy Pontiff, 18. The Discalced Carmelites, see Pragensis. The apostolic prefecture of Cashmirensis, see Ka- fir istan. The archiocenobium of Casinum, founded by Saint Benedict, in very difficult times.

[*Latin ed. p. 583*]

Index analyticus rerum notabilium. I. I. j I I. Fidei propugnaculum, bonisque artibus semper exstitit refugium, 113. Romanae Ecclesiae tres alumnos Pontifices dedit, ab eaque summo honore est habitum, summisque auctum privilegiis; cum autem Ss. Benedicti et Scholasticae exuvias continens crypta, denuo splendide ornata, 114, et nova artis conceptione, corrugata stipe a viris, etiam imperatoria et regia dignitate insignibus, fidelium cultui proxime patefiat, inaugurandaque sit, B. P. integro Benedictino Ordini fausta deprecatur ei benedicit, altari cryptae Gregorianum privilegium in perpetuum confirmat, 115, alia eiusdem altaria privilegiata declarat; ad eosdem sicut et ad altare maius cathedralis templi missam votivam sancti Benedicti etiam in Duplicibus I classis dici permittit, indulgentiam plenariam cryptam ipsam die sexta maii cuiuslibet anni visitantibus, ordinariis sub conditionibus concedit; et speciale hoc anno Iubilaeum a die sexta maii ad octavam iunii cryptam visitantibus luorandum indici t, 116. Casinenses monachi: quid eis debeat Italia, quid civilis cultus totius Europae, memorat B. P., 115. Castro Ioannes Baptista,

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archiep. Caracensis, ceterique de Venezuela episcopi, epistolam accipiunt qua B. P. laudat eorum cum Apostolica Sede coniunctionem, solemnia ad Ecclesiae libertatem recolendam habita, seminarium maius ad cleri institutionem conditum, eisque pastoralem sollicitudinem gratulatur, ac, Venezueliani cleri lamentabiles conditiones memorans, eos hortatur, ut de seminariis sollicitiores adhuc sint, et disciplinarum studia ad praescripta Sanctae Sedis in eis haberi curent, 547. Casus exceptus: Causae Servorum Dei per viam casus excepti procedentes v. Servorum Dei. « Catechismo »: versio eius gallica ad usum dioecesis Augustanae facta laudatur, 227. « Catechismum catholicum » a confederatione S. Michaelis Archangeli vulgari probat B. P., 17. Catholici viri: eos munera Sibi debita exerceri prohibitos dolet B. P., 149. « Catholic seamen's house and institute », opus catholicorum nautarum utilitati, rituali praesertim curandae, laudat B. P., 153, v. Torre. de Causón Thomas, cuius liber in Indicem relatus fuerat, laudabiliter se subiicit, 10. Cavagnis card.: eius opera iuridica laudantur, 558. « Centro cattolico degli studenti » v. Tùli. « Ce qu'on a fait de l'Eglise » liber inscriptus, in Indicem refertur, 216. « Cercles (des) catholiques » Opus v. De Mun. Ghesnelong Ioannes, archiep. Senonensis, gratias accipit ob litteras de fidei et religionis sensibus in sua dioecesi excitatis magisque excitandis, B. P. oblatas, 509. Chevrier Antonius (Ven.), Lugduni natus, 309, et in scholis Fratrum a doctrina christiana, clericorum S. Francisci, ac in seminariis Argenteriensi et Lugdunensi institutus, sacerdotio insignitus, atque parochiali ministerio addictus, pueris ad sacram synaxim primum vocandis, « La Providence du Prado » instituit, deinde additis Congregationibus Sororum a Prado et Presbyterorum Pradosiensium, ei institutioni inservientibus, perfecit. Pie defunctum, sanctitatis opinio prosequuta est, 310, et signatur a B. P. Commissio introductionis Causae ad eius beatificationem, 311. Chiaudano Iosephus, S. I.; eum Commentario periodico La Civiltà Cattolica moderatorem datum gratulatur B. P., quem Commentarium valde Sibi probari ob catholicas veritates illustratas, ob erumpentes errores impugnatos, ob Vicarii Christi iussa et voluntates religiosissime servatas, confirmat, atque universis catholicis ephemeridibus, tamquam exemplum, praebet, 488. Ghilensis Internuntius Apostolicus: eum contumelia affectum dolet B. P., 452, qui publicas in Se observantiae populi et Reipublicae praesulum manifestationes gratas Sibi fuisse testatur, 453, v. Gonzalez. Christophori (S.) archiconfraternitas in oppido St-Christophe le Jajolet instituta, 418, indulgentiis plenariis et partialibus ditatur, 419. Christophori (S.) de Habana dioecesis, quaedam territoria cedit novis dioecesibus Camagiieyensi et de Matanzas, 94.

Index of notable matters. I. I. j I I. A bulwark of the faith, and always a refuge for good arts, 113. He gave three pontifical alumni to the Roman Church, and from that Church he received great honor, and his privileges were greatly increased; and when the crypt, containing the relics of Ss.

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Benedict and Scholastica, is again splendidly adorned, and with a new artistic conception, with a corrugated pillar by men, also bearing the insignia of imperial and royal dignity, and is made readily accessible to the faithful, and is to be inaugurated, B. P. prays for a happy future for the entire Benedictine Order and blesses it, he confirms the Gregorian privilege for the altar of the crypt in perpetuity, 115, and declares other privileged altars; to these, as well as to the main altar of the cathedral, he allows the votive Mass of St. Benedict to be said even in the Duplicates I class, he grants a plenary indulgence to those who visit the crypt itself on the sixth of May of each year, under conditions to the ordinaries; and he establishes this special year of indulgence from the sixth of May to the eighth of June for those who visit the crypt, 116. The monks of Monte Cassino: B. P. recalls what Italy owes to them, and what the entire civil culture of Europe owes to them, 115. Castro Ioannes Baptista, Archbishop of Caracensis, and other bishops of Venezuela, receive a letter in which B. P. praises their union with the Apostolic See, the celebrations held to commemorate the freedom of the Church, the establishment of a major seminary for the institution of the clergy, and congratulates them on their pastoral care, and, remembering the lamentable conditions of the Venezuelan clergy, he urges them to be even more concerned about the seminaries, and to ensure that the study of disciplines is carried out in accordance with the prescriptions of the Holy See, 547. Casus exceptus: Causes of Servants of God proceeding by the way of casus excepti, see Servants of God. « Catechism »: the Gallic version of it, made for use in the Augustana diocese, is praised, 227. B. P. approves the « Catechism catholicum » from the confederation of St. Michael the Archangel, 17. Catholic men: B. P. laments that they are forbidden to exercise the duties owed to them, 149. B. P. praises the « Catholic seamen's house and institute », a work for the benefit of Catholic sailors, especially for the care of their spiritual needs, 153, see Torre. de Causón Thomas, whose book had been included in the Index, submits himself commendably, 10. Cavagnis cardinal: his legal works are praised, 558. « Centro cattolico degli studenti » see Tùli. The book entitled « Ce qu'on a fait de l'Eglise » is included in the Index, 216. « Cercles (des) catholiques » See De Mun. Ghesnelong Ioannes, Archbishop of Sens, receives thanks for letters concerning sentiments of faith and religion excited in his diocese and to be further excited, B. P. offers, 509. Chevrier Antonius (Ven.), born in Lyons, 309, and established in the schools of the Brothers of Christian Schools, the Clerics of St. Francis, and in the seminaries of Argentiere and Lyons, marked by the priesthood, and dedicated to parish ministry, he established « La Providence du Prado » to call children to the first Holy Communion, and then, with the addition of the Congregation of Sisters of the Prado and the Presbyterians of Prado, he perfected this institution. After his pious death, an opinion of sanctity followed him, 310, and he is marked by B. P. The Commission for the introduction of the Cause for his

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beatification, 311. Chiaudano Iosephus, S. J.; B. P. congratulates him on being appointed editor of the periodical Commentario La Civiltà Cattolica, which he affirms is highly commendable for illustrating Catholic truths, for refuting prevailing errors, for faithfully observing the commands and will of the Vicar of Christ, and he offers it as an example to all Catholic periodicals, 488. Ghilensis Apostolic Delegate: B. P. laments that he was treated with contempt, 452, who testifies that public demonstrations of the people and the Republic in honor of their prelate were pleasing to him, 453, see Gonzalez. The archiconfraternity of Christ (S.) established in the town of St-Christophe le Jajolet, 418, is enriched with plenary and partial indulgences, 419. The diocese of Christ (S.) of Havana cedes certain territories to the new dioceses of Camagüey and Matanzas, 94.

[*Latin ed. p. 584*]

584 Index analyticus rerum notabilium. The Apostolic Prefecture of Lower Cimbebasia is distinguished from the Prefecture of Magni Namaqualand by new boundaries, 250. A citation is not lacking if a person is determined by their quality or office that is solely appropriate for them, 285. "Civiltà Cattolica" v. Ghiaudano. The relationship of the State to the Church is not one of coordination, 559. The Bishop and priests of Città della Pieve receive thanks from the Holy Father for the singular example of veneration and devotion shown to him, 31. Clergy in Rome should not engage in studies unless they reside in the Lateran Palace or the Venerable College, or for those who dedicate themselves to missions among the infidels, in their own colleges, 300. The clergy are attacked by wicked arts, so that they may stray from devotion to the Church and the Roman Pontiff, 209: His Holiness laments that one of them was summoned to justice in Lusitania, expelled, or even imprisoned, 421: The institution is commended to Peruvian bishops, 30. Collectivism is contrary to the principles of natural law, 142. The bishops and people of Columbia are praised for planning a Eucharistic Congress in Bogotà, and they are encouraged to derive the greatest benefit from it, 269: v. Herrera. His Holiness rejoices that the laws and regulations of commerce have been introduced in the Catholic University of Andegava, 426: also in the Catholic Institute of Paris, 490. Julian Conan, Archbishop of Port-au-Prince, receives thanks for letters full of faith and obedience, sent on behalf of the clergy of the same Archdiocese and the Diocese of Gonayvens to the Holy Father, on the occasion of exercises held by him, 473. The Regular Canons of the Immaculate Conception v. Canonici. The Sacred Congregation of the Council receives the acts of the Council of Liman to be examined, 30. A condition "sine qua non" not fulfilled invalidates marriage, 45. "Conferences de St-Vincent de Paul" v. Osanam. The Society of Saint Vincent de Paul: His Holiness rejoices that it, founded by Anthony Frederick Ozanam, has spread throughout the world in a short time, 177:

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v. Vannutelli, Osanam, Uriburu. Confessors approved by their Ordinary may be admitted outside their diocese to hear confessions, without having to renew the anti-modernist oath, 272; also the Syro-Clabar rite (v.). Confraternities have precedence according to custom, and, if that fails, according to the order of time in which they were founded, except for the Confraternity of the Most Holy Sacrament, which enjoys precedence over others in Eucharistic processions, 78. Consanguinity, in order to invalidate a marriage, must be proven by authentic documents, and if those are lacking, by the testimony of even relatives and affines, 202. Conservators of religious orders or other institutions or persons are instituted to defend them from notorious and violent injuries, 191. The Institute of Consolata in Turin undertakes to care for the new Apostolic Prefecture of Kaffa Meridionale, 40. Remembering the Edict of Constantine the Great in Milan, by which peace was granted to the Church sixteen centuries ago, His Holiness grants a universal Jubilee, 89. His Holiness approves that the Constantiniana celebrations be held everywhere to gather the children of the Church from all over, 268. A custom can establish a prescription against the law, 525. Eucharistic Congresses are approved: Bogotà, 269: Melitensis, 180. Father Corbille receives the insignia of Bene Merenti from His Holiness by decree of Henry Gerlier, to be presented to him, 476. The Association of the Most Sacred Heart of Jesus for the souls in Purgatory and the oratory in the City built by Father Victor Jouet, and the church now being built, 27, and the parish that will be established there, are entrusted to the care of the Missionaries of the Most Sacred Heart of Jesus, 28: His Holiness rejoices that it is called the entire Mexican Republic, 546. For the Immaculate Heart of Mary: certain pious exercises are performed in her honor during the month of August, and indulgences are granted, 155. The diocese of Corisopitensis is exempt from tithes for the Catholic Institute of Paris, 426, and will provide assistance to support the University of Andegava, 427. Hyacinthus Maria Cormier, General Master of the Order of Preachers, receives a letter in which His Holiness expresses his concern for the religious orders, especially the Friars Preachers.

[*Latin ed. p. 585*]

Index of notable matters. Remembering past events, on the occasion of the upcoming general meeting of the Order in Holland, it is stated: great prudence should be exercised in accepting tertiaries, and the utmost diligence in their instruction; the task of imparting sacred doctrine should be entrusted to men of integrity, devoted to doctrine and obedient to the Apostolic See, 388; books written by members should be subjected to examination by men chosen by the superiors themselves before they are published; new systems that boast of explaining the Catholic truth more than the ancient wisdom are fraught with dangers and should not be readily embraced; those who are given academic degrees should not seek the com-

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forts of life and the leisure of common exercises and choirs; nor should the readers and preachers be absent from the choir, except on those days when they are to read or preach; the preachers themselves should preach Jesus Christ crucified, and not seek empty glory, 389; and each member should be assigned to an entire province, not just one house, 390. Royal crowns and other emblems of royal dignity should be placed only at the feet of images of Christ the Lord, 546. The newspaper "Corriere (II) d'Italia" is forbidden to Religious, 7. The newspaper "Corriere (II) di Sicilia" is forbidden to Religious, 7. Coubé, Stephen: a work of his is mentioned in the Index, 277. Crosses erected in missionary territories, previously endowed with various indulgences according to the quality of the persons who erected them, are now endowed with new and uniform indulgences, 429. "Cursus philosophiae thomisticae" by Edward Hugon O.P. is praised, 487. Dall'Olio, Francis, Mary, is elected by the Superiors as the general vicar to administer the entire Order of the Conventual Minor Friars, with two assistants and one counselor, 5, who will all remain in office until the next general congregation, 6, see Santoro, Tavani, Formenti. Dalsum (van), H. A.: a work of his is mentioned in the Index, 277. 585 The vicariate apostolic of Dar-es-Salaam is separated from the vicariate of Bagamoi by civil decrees, 215; it cedes a certain territory to form the new prefecture of Lindi, 497. The Apostolic See's style for granting canonical appointments by a simple signature, with the clause "as far as its fruits are concerned," is 128. The payment of tithes to a certain parish is evidence of its dependence, if we are speaking of sacramental tithes, but not if we are speaking of personal or Sunday tithes, 413. The dedication of a church, see Vigiliae. The cathedral itself should be celebrated separately on its anniversary from the dedication of other churches; this is only observed in churches that have been consecrated, 458, 463. For the Dead: - a Mass or prayer is not required to gain the indulgence of the altar, even on days when it is permitted, 122. - New rubrics are provided in the Office for the beginning of the Hours and the IX Responsory, 66. - In the Office of the Commemoration of All the Faithful, the psalms proper to the lesser Hours should be assigned, 461. Delehaye: his books on agiographic readings should be excluded from seminaries, 457. De Mun, Albert, is praised in a letter for the sentiments of devotion, for the work "Des cercles catholiques" which he founded, by the Superiors; and also for the reasons by which the entire work is governed, namely, reverence and obedience to the leaders of the Church, in order to avoid the errors that are now plaguing Catholic social teaching, regarding justice, charity, the right of property, and a new natural law attached to contingent circumstances, all of which the Superiors do not approve, 19. Deputies in France, see Priests. A deacon assisting at the blessing with the Most Holy Sacrament, given by the bishop, even after the pontifical Vespers, hands the ostensorium to him, 66. Certain newspapers are forbidden to Religious, 7. The Superiors are saddened that certain Catholic newspapers

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are considered to be contrary to free institutions and hostile to the nation in Italy, 149. The apostolic vicariate of Diego Suarez will be named, which was previously the northern part of Madagascar, 274. Dioceses are erected: Aimerensis in eastern India, 265; Annae (S.) in the republic of...

[*Latin ed. p. 586*]

586 Index analyticus rerum notabilium. S. Salvatoris, 9o; Arassuahiensis in Brasilia, 430; Barrensis et Caetitensis item in Brasilia, 548; Galgariensis in Canada, 182; Camagüeyensis in Cubana insula, 94; Granadensis in republica de Nicaragua, 549; Iìheosensis in Brasilia, 548; Insulensis in Gallia, 481; Leonensis in republica de Nicaragua, 549; Matanzensis in Cubana insula, 94; Michaelis (S.) in republica S. Salvatoris, 95; Montis Laurei in Canada, 430; Tacambarensis in Mexico, 430. Discordia testimoniorum in accidentalibus eorum vim nedum minuat confirmat, 327. Divini officii v. Breviarii Bomani. Doctrinae christianae traditionem in scholis publicis prohibitam dolet B. P., 149. Domicilium valide acquiritur sine iuramento, nisi agatur de domicilio qualificato, quo episcopus rite subditum ad Ordines admittat, 37. — originis non sufficit, iuxta Decretum Tametsi ad valide nuptias ineundas, sed requiritur domicilium habitationis, 345; - legale familiae aliud esse nequit a domicilio patris, 349; - eius desertio non praesumitur, sed probari debet, 353. Dominicae: eis nullum festum perpetuo affigi valet praeter festa Ssmae Trinitatis et Nominis Iesu, 450, 458. — Quadragesimae sunt omnes I classis, 450, 459. — post Octavam Epiphaniae vel Pentecostes, quibus non sit locus iuxta Rubricas, sabbato praecedenti sub ritu semiduplici recolantur, 459. Donders Petrus, Tilburgi natus, et in semirio Boscoducensi sacerdotio auctus, Guyanas et Surinamenses oras evangelizandas suscepit, et, in Congregatione Ssmi Redemptoris cooptatus, leprosis praesertim excolendis incubuit; atque laboribus fractus pie obiit, et summa veneratione excolitur, 252; signatur a B. P. Commissio introductionis causae ad eius beatificationem, 253. BubiTiardcard. Franciscus Virgilius, archiep. Camberiensis, epistolam accipit, qua B. P. laudat Foedus sacerdotale pro Pontifice et pro Ecclesia ab eo institutum, cuius sodales singularem diligentiam in muneribus sacerdotalibus obeundis adhibent, praecepta et monita quaecumque Summi Pontificis exsequuntur, 209, scriptis Apostolicae Sedis iura propugnantibus adiu- vant, et petrianam stipem ex promisso solvunt, 210. Dubouché Maria Teresia, Montis Albani nata et Theodolindae nomen adepta, litteris atque bonis moribus instructa, a gravi morbo convalescens, et Carmelitidum Congregationem ob temporum iniquitatem adire prohibita, piam in saeculo puellarum consociationem instituit ad iniurias Deo inlatas precibus, coram Ssmo Sacramento praecipue emissis, reparandas: quam paulo post perfecit, religiosam familiam ab Adoratione Reparatrice instituens, in qua professionem emittens, Maria Teresia dicta est. Ad eius, virtutum fama in vita et post mortem inclarescentis, beatificationem, 162, a B. P. signatur Commissio introductionis causae, 163. E Ecclesia: ius

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speciale habet ad scholas pro laicorum etiam profana educatione, 99; - non est coordinata civili societati, sed ius habet in res temporales, quae spiritualibus referantur, 559. Ecclesiae bona adempia in Lusitania ipsasque sacras aedes consociationibus schismaticis laicorum traditas esse, dolet B. P., 421. — conditio plerumque ei nunc temporis facta est indigna, 559. — libertatem nunc temporis ademptam dolet B. P., 147, v. Peregrinos; 476. — finis qui sit, et quanto excellentior fine humanarum societatum, 147. — missio docendi omnes gentes et ius possidendi bona ad suum finem assequendum necessaria vindicantur, 148. Ecclesiasticis vocationibus provehendis societates omnes indulgentiis ditantur et privilegio altaris pro omnibus missis in suffragium sodalium defunctorum dictis, 237. Edmontoniensis archidioecesis nova constituitur in Canada, eique tribuitur pars dioecesis S. Alberti exstinctae; et subditae erunt nova dioecesis Calgariensis, et vicariatus apostolici de Athabaska et de Mackenzie, 182. Endrici Caelestinus, episc. Tridentinus, epistolam accipit, qua B. P. gaudet solemnia Constantiniana celebrata fuisse sacris.

[*Latin ed. p. 587*]

Index analyticus rerum notabilium. Concerning ceremonies, the frequent celebration of the Eucharist, and other prayers offered for the liberty and safety of the Church, 364. Ephemerides v. Diaria. The granting of the episcopal ministry by civil authority in no way depends on it, 59. Bishop: Reverence towards him is commended to Catholic associations, 18; - when assisting at Benediction with the Most Holy Sacrament, he should wear a cope, and he himself should incense; and after Vespers, he should distribute the incense, using the ministry of priests to apply the incense and perform the thurification, and he should receive the censer from a deacon, 66; - solemnly celebrating before him, which he should not ordinarily do, he should wear a throne, with his head covered, and read everything in the usual manner, 66: he resolves disputes concerning precedence in processions, 78. The consecration of bishops cannot be performed outside of Sundays, except on the feasts of the Evangelists or of St. Barnabas, or on any other days, even those prescribed by law, except on the birthdays of the Apostles, 186. What error dissolves marriage, 45. Eucharist v. Sacrament: Books on this subject by Albert Tesnière are praised, and the Most Reverend author is pleased that they have been translated into Italian, 516. Feasts of the Evangelists: On these days, except on Sundays, the consecration of bishops cannot be performed, 186. Exemptio specialis extenditur ad delicta commissa, contractos initos, et res litigiosas exsistentes in loco non exempto, 190. 587 Feasts: - On these days, even those prescribed by law, the consecration of a bishop cannot be performed, except on the birthdays of the Apostles, 186. - They should not be attached to Sundays permanently, 450, 458, and those previously attached, except for the Most Holy Trinity and the Most Holy

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Name of Jesus, should be celebrated on a fixed day, or on any weekday permanently, 458; it is permitted to have a solemnity on Sundays, 459; - even those permanently prohibited are not transferred, unless they are of the first or second class, 451. - Duplex or Semiduplex of the same common celebration, if they occur on the same day or must be transferred, are celebrated as a common feast, 463. - Duplex of the second class do not admit the commemoration of the following day within the Octave, nor of any simple Office, 462. - Duplex of the first class, which are not primary feasts of the Lord for the entire Church, admit the commemoration of Duplex and Semiduplex occurring only in private Lauds and Masses, 462. - Semiduplex can be reduced to the simple rite at will, 462. Fianarantsoa (de) apostolic vicariate is established on the island of Madagascar, from territory detached from the apostolic vicariate of central Madagascar, and entrusted to the care of the Society of Jesus, 235. The Congregation of the Most Sacred Heart is entrusted with the new apostolic prefecture of Barel-Gazal, 249. The Bishop of the region of Flaminia v. Boschi. The island of Flores is not included in the new apostolic prefecture of the smaller Sunda islands, 433. F Foedus sacerdotale pro Pontifice et Ecclesia v. Dubillard. Autumnal holidays in the Sacred Roman Rota run from August 24th to October 14th, 378. Ferracci, Valerian: A certain work of his is included in the Index, 9; he commendably submits himself, 10. Cardinal Dominic Ferrata receives a letter in which the Most Reverend author informs him that he is his legate to the Melitan Eucharistic congress, to be held soon during the Constantinian celebrations, 180, and he is confident that he will be inferior to none of his predecessors and will bring the best fruits for salvation, repeating the faith and religion of the Maltese, 181. "Foi (la) catholique" periodical is praised for its purity of doctrine, its zeal in defending the truth of the faith, and its constancy in refuting errors, 141. Fo-kien (de) apostolic vicariate is separated from the vicariate of Amoy with new boundaries, 367. Francis Maria For, the Most Reverend author adds as an advisor to the general curia of the Conventual Minor Order, especially if the topic is about sacred missions to the people, 5. The island of Formosa, separated from the apostolic vicariate of Amoy, 366, is erected as an apostolic prefecture and entrusted to the Brothers of the Precious Blood.

[*Latin ed. p. 588*]

588 Index of Notable Matters. The congregation of the Most Holy Rosary in the Philippine Islands is commended, 367. Fort-Dauphin (de) is designated an apostolic vicariate, formerly part of southern Madagascar, 274. Secular Third Order Franciscans, reciting in place of the canonical hours, do not fulfill the obligation regarding prayers, and those belonging to other associations should pray, 304: - They can also receive absolutions, even through the communion of the First and Second Orders, on feast days that

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occur within eight days of the day of absolution, 306. The diocese of Fulda cedes territories and the territory of the Grand Duchy of Saxe-Meiningen to the diocese of Würzburg, and receives others from the Grand Duchy of Saxe-Weimar, 94. Funk F. S.: His books on ecclesiastical history are to be excluded from seminaries, 456. G. G-alatina, a city, is subjected to a special interdict due to the sacrilege committed against the Archbishop of Hydrus, 517. The apostolic vicariate of Galla cedes certain territories to the newly formed apostolic prefecture of southern Kaffa, 40; and is separated from the prefecture of Kaffa with new boundaries, 432. France: Priests in that country cannot present themselves as candidates for the office of deputy or similar positions without the permission of the Ordinary, 238. The Catholic Youth Association of France, whose members have frequently visited the Most Blessed Pilgrim, bringing letters of devotion, is praised for the good fruits it brings to the Church and the nation, for its discipline, 474, for its effective opposition to sacrilegious errors, for the frequent reception of Holy Communion, which makes them apostles, for the number of those who exercise the sacred ministry or are admitted to the ranks of the clergy, and is encouraged to continue its efforts with vigor, under the leadership of bishops and leaders, 475. Peter Emmanuel Garcia Naranjo, Archbishop of Limanus, and other Peruvian bishops, receive a letter in which the Most Blessed Pilgrim praises the devotion towards him expressed in their common letters, encourages the recently held provincial council of Limanus, and the upcoming seminary to be founded in Limanus, and urges them to dedicate themselves zealously to the formation of the clergy, and to send selected clerics to the Pio Latin-American College in Rome, 30, who, upon their return to their homeland, will contribute to the religion and benefit of the country, 31. Mrs. Garnier, of "Ligue de l'Evangile." B. Gaudeau receives thanks for ten volumes of the periodical "La Foi Catholique," offered by the Most Blessed Pilgrim, 141, which constitute a faithful commentary on the doctrines contained in the acts of the Holy See of this time; and is congratulated for the zeal shown in defending the principles of truth and natural law, against the errors of the serpent of this time, which are rightly attributed to the false philosophy that denies the personal and creative existence of God, and for the progress and good fruits of the "Spiritual Union of Priests for the Faith," which he directs, 142. Henry Gerlier, president of the Catholic Youth Association of France, 474, see France; is decorated with the Benemerenti medal, 476. Germany, see William. German, see Ghibelline. Ghibelline and German: A certain work of theirs is included in the Index, 9. Antonia Giacomelli: A certain book of hers is included in the Index, 498. Francis Maria Gieure, Bishop of Bayonne, is praised for his intention of holding a religious music festival, which the Most Blessed Pilgrim says is very close to his heart, 477. John Gonzales Eisaguirre, Archbishop of St. James of Chile, and other bishops of the Republic of Chile, receive a letter in which the Most Blessed Pilgrim laments the injury inflicted upon the Apos-

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tolic Nunciature by the people and young people frequenting the public lyceum; he praises him as a good servant of the Republic, 452; he says that he has been grateful for their common letters and for the public expressions of respect from the people, the Administration of Foreign Affairs, and the President of the Republic; and approves the intention of a common letter to be given to the people on this matter, 453. Alcimus Gouraud, Bishop of Vannes, receives thanks and is praised for his work, "Pour...

[*Latin ed. p. 589*]

Index analyticus rerum notabilium. "Action catholique" a B. P. editum et oblatum, 446. Dioecesis Granadensis in republica de Nicaragua erigitur, 549. Missae Gregorianae triginta diebus sine interruptione dici debent; substituto alio sacerdote, si quis impediatur; nec unica die plures dici possunt, quae tamen, etiam diebus a Rubricis non impeditis, potest non esse Defunctorum, 32. Altare Gregorianum: in Monte Caelio est vere privilegiatum, 33; privilegium ad instar in posterum non concedatur et privilegium personale habeatur ut mera concessio altaris privilegiati, 34. In crypta Gasinensi perpetuo confirmatur, 115. Provincia ecclesiastica G-uatimalensis amittit dioecesim S. Salvatoris in archidioecesim erectam, 95; item Nicaraguensem pariter in provinciam ecclesiasticam erectam, 549. "Guide générale des lectures" ephemeris ab opere "des lectures" edita laudatur, 19. Guilelmus II, imperator Germaniae, rex Borussiae, anniversarium suum regni celebrans, epistolam accipit, qua B. P. ei gratulatur, 362; fausta quaeque ei eiusque populo adprecatur, et ei ob libertatem catholicis subditis concessam gratias agit, 363. G-uisasola et Menendes Victorianus, archiepiscopus Valentinus, gratias accipit ob litteras pastorales de libertate Ecclesiae, B. P. oblatas, 476. Haitianus clerus v. Conan. Helvetia: tranquillitatem et pacem qua ibi catholicis gaudent, magnam partem annuis episcoporum conventibus tribuit B. P., 427, v. Abbet. Hemptinne. Hildebrandus, abbas primas omnium Congregationum Benedictinorum, quos atratos vocant, a Leone XIII renuntiatus, ob munus optime gestum laudatur, 145; et infirma affectus valetudine, coadiutore donatur, 146. Dioecesis Herbipolensis v. Fuldensis. Heroicitas virtutum vel martyrium: decretum de eis facultatem tribuit ut servi Dei Venerabilis titulo ornentur, necnon 589 ut in missa addatur oratio pro gratiarum actione, 437. Herrera Restrepo Bernardus, archiepiscopus Bogotensis, ceterique episcopi Columbianae reipublicae, epistola gratias accipiunt ob communes litteras pietate in B. P. et pastoralis officii studio plenas, 178; item aliam, qua B. P. probat conventum eucharisticum ab omnibus episcopis omnique populo Columbiae Bogotae proxime celebrandum, quem maxime collaturum confidit cultui erga divinam Eucharistiam fovendo et christianae vitae in populis renovandae; hortatur ut episcopi frequentiori Communioni inducendae adlaborent; permittit expositionem Ssmi diu noctuque tempore conventus et missarum

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matutino tempore celebrationem, atque concedit ut papalis benedictio populo impertiatur, 269. Hiss Iosephus, societatis Marianae moderator, in anniversario a religiosis votis nuncupatis, epistolam gratulatoriam accipit, 363. Historiae civilis libri a seminariis excludantur, qui Religioni et Romano Pontifici debitam negent reverentiam, 456. Ecclesiasticae libri a seminariis excludantur, qui elementum Ecclesiae supernaturale negligant, 456. Holsey Carolus: quoddam eius opus in Indicem refertur, 9. Hornig (de) card. Carolus, episcopus Veszprimiensis, anniversarium suum episcopalis muneris celebrans, epistolam accipit, qua B. P. eius laudat diligentiam pastoralem et in Ecclesiam largitatem, gaudet de incremento studiorum in clero et supernaturalis vitae in populis, de novis parochialibus curiis constitutis, de novis excitatis templis, de novis institutis omnis generis erectis, et V. E. a Deo praemium amplissimum exoptat, 424. Hugon Eduardus, O. P., epistolam accipit qua B. P. laudat studia Fratrum Praedicatorum in Aquinatis disciplinam, laudat "Cursus Philosophiae Thomisticae" ab illo conscriptum ob sinceram traditam doctrinam et ob novos errores veteribus Scholae principiis confutatos, et gratias agit tum ob volumina in obsequium Sibi oblata, tum ob navatam operam sacrae iuventuti salutarem, 487. Festum S. Hyacinthi fixe celebretur die 17 augusti, 458.

[*Latin ed. p. 590*]

590 Index analyticus rerum notabilium. I. Of the Archdiocese of Cuba, certain territories are ceded to the new dioceses of Camagüey and Matanzas, which will be suffragan sees, 94. Citizens of Genoa, who had appealed to the Holy See to denounce the unjust abuse of civil power that prevents the new archbishop from taking possession of his see, are addressed by the Most Reverend, who laments their distress and praises the new archbishop, 58. He defends the granting of ecclesiastical offices by civil authority to the Holy See, denounces the prohibition imposed on the archbishop and on them, and expresses gratitude to all Catholic citizens of Genoa for the devotion shown to him and to his new archbishop, and affirms that divine assistance is not wanting, 59, which can be obtained from God through earnest prayer, especially by priests, religious women, clerics of religious orders, and boys who have not yet received the Sacrament of Confirmation, 60. Janvier, O.P., receives thanks for a volume of conferences given in the metropolitan church of Paris, in which he defends the theological virtue of Hope, using the documents of Catholic tradition to refute contradictory accusations, 537. The image of the Infant Jesus in Prague, v. Prague. The diocese of Ilhéus is established, with territory taken from the Archdiocese of the Most Holy Savior of Bahia, 548. Impediments to marriage, v. Marriage. The incardination of priests in America, previously without an oath, is to be considered valid, 34. — Presumptive incardination, which is admitted in America according to the Plenary Council of Baltimore, 36. — Ordinary

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and formal incardination, made in writing, but without requiring an oath, in the United States of America, is not invalid, 37. Indulgences which are attached by the Supreme Pontiff without any specific determination do not include the indulgences of St. Bridget, the Crusaders, and similar ones, 305. Indulgences are granted: — plenary indulgences to those who visit the crypt of Monte Cassino each year on May 6th, 116. — also plenary indulgences for ten years to those who visit churches or chapels dedicated to the Most Holy Sacrament in Spain, on the feast days of St. Paschal Baylon and on the ninth day of each month, 121. — plenary and partial indulgences to those who perform pious exercises during the month of August in honor of the Immaculate Heart of Mary, 155; also to those who recite the Rosary, 211; and for members of sodalities who promote and support ecclesiastical vocations, 236. — A three-day prayer for more abundant fruits from parochial missions, 154. — A three-day prayer for mutual greetings under the invocation of the divine names, 210; which remains even with the added name of Mary, 364. — For the society "Infantes diligentium," 301; — For the archsodality "for priestly assistance," 385; — For the archconfraternity of St. Christopher, 419; — For mission crosses blessed by any priest, 429. — For those who recite the prayers of St. Vincent Ferrer in order to implore a holy death, 271. The Catholic society "Infantes diligentium," established in Salzburg for the education of boys and extended to many dioceses, which diligently strives to ensure that boys are educated by their parents and that neglected boys are received into pious homes, is enriched with numerous plenary and partial indulgences, 301; Masses are offered for deceased members with the altar privilege, and the directors are given the faculty to bless medals, rosaries, and small statues, and to grant certain indulgences, 302. The Catholic university of Isola is praised for its Christian spirit and the piety of its students, and for the excellent results achieved, especially for the medical faculty which provides all students with assistance, and is recommended to Catholic families from France, 53. — A general vicariate is established in the Archdiocese of Cambray, with clearly defined limits, whose vicar is distinguished by the dignity of a bishop, and who, as Auxiliary of the Archbishop of Cambray, has ordinary jurisdiction in the "arrondissements of Lille, Hasebrouch, and Dunkerque," 94.

[*Latin ed. p. 591*]

591. Index of Notable Matters. A diocese is established in Gallia, formed from territory taken from the archdiocese of Cameracensi, with a seat in the city of Lille and in the church of Notre-Dame de la Treille. This diocese will have its own seminary, and priests will be assigned to it who minister to souls within its territory or hold other ecclesiastical offices, 482. This diocese will be subject to the metropolitan church of Cameracensi, 483. The introduction of a cause for beatification must be done without any solemnities, 436, so that no argument is drawn from it for the increase of

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cult, nor is the title of "venerable" conferred upon the servants of God, 437. The feast of Saint Joachim is celebrated on August 16, 458. The Joliet college is praised, 29, see Archambault. The solemnity of Saint Joseph is restored on the fourth feria before the Third Sunday after Pascha, and his feast on March 19 is reduced to the second class of the "Duplex" rank, 458. Father Victor Jouet, a missionary priest, is highly praised for the public oratory he established in the city, 26, and for the association of the Sacred Heart of Jesus instituted therein for the salvation of souls in Purgatory, 27. Any irritation, whether implicit or explicit, is forbidden, 36. The journal "Italia" is forbidden to religious, 7. Bishops of Italia receive circular letters from the Sacred Congregation of the Consistory, reminding them of the need to carefully select books for use in seminaries, a practice that has not always been followed, and that more and more manual books are being used that are not worthy of censure, according to the reports of apostolic visitators, 455, and which can easily lead the minds of young people away from the right path. It is prescribed that anthologies and history books that are less devoted to religion and the Pope, philosophical texts that deviate from the guiding principles of the Holy See, and ecclesiastical histories that abstract from the supernatural character of the Church, be excluded from schools and from the use of students, and that the greatest care be taken in selecting texts of patrology, 456, so that the estimation that the Church has always had of the Fathers is not diminished; and it is also stated that all books to be used in schools must be approved by the bishop, 457. A jubilee is announced, from May 6 to June 8 of the year 1925, to be devoted to visiting the crypt of Monte Cassino, 116. A universal jubilee is announced on the sixteenth day of Advent, the day on which peace was granted to the Church by Constantine the Great, 89, and will be observed through confession, Communion, almsgiving, and the visitation of the basilicas of the Lateran, Vatican, and Ostia, 90, which, outside of the city, is replaced by a visitation of a church or churches chosen by the bishops; and confessors are given the faculty to grant indulgences for these works or to dispense from them, and to absolve all from censures, except for those mentioned, 92: and this can be obtained multiple times regarding indulgences, but one cannot be absolved from censures multiple times, nor can one use commutations or dispensations granted, 279. An oath taken by American priests in their diocese is valid in any other diocese in which they are incardinated, 38. The assembly of jurists of Lugdunum, see Sevin. The principles of natural law, which are not inherent in the principles inscribed in human conscience, but are based on the experiences and history, are not approved, 19: - the principles of socialism, collectivism, and syndicalism are vigorously defended by the periodical "La Foi Catholique," 142. Justice, which is unjustly subordinated to charity, and the use of property, which is subjected to it, are not approved, 18. Aloisius Isso, whose work had been included in the Index, commendably submits himself, 10. The apostolic prefecture of

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Kaffa in southern Africa is separated from the apostolic vicariate among the Galla, and is entrusted to the students of the Taurinensis Institute of the Consolata, 40: and this, henceforth to be called simply Kaffa, is separated from the same apostolic vicariate with new boundaries, 432. The apostolic prefecture of Kafiristan and Cashmire is subject to the metropolitan church of Simla, 267.

[*Latin ed. p. 592*]

Index analyticus rerum notabilium. 592 Calendar: — The privilege of following a diocese or institute may be abolished, 463. — Roman clergy, see Roman. — The entire Church must be restored to its original form, so that the complete reform of the Roman Breviary may be achieved, 449. — Individual dioceses and institutes are subject to reform by the Congregation for Holy Rites, 67, 463. « Katholischer Verein der Kinderfreunde » see Infants diligentium. The vicariate apostolic of Kivu is established in central Africa, 25, and the missionaries are granted the title of Defenders of the Africans, 26. Kraus F. S.: His books on ecclesiastical history are to be excluded from seminaries, 456. Krug Boniface, Abbot of Monte Cassino, who contributed to the restoration of the hypogeum of Monte Cassino, and who intended that the archmonastery itself, as the Gregorian chant had been an example to the entire Church, should be the beginning of a new conception of human arts, more in accordance with the nature of the Church, is highly praised, 114. L Laberthonnière L.: Some of his works are included in the index, 277. Lahargou, canon, president of the association Alliance des maisons d'éducation chrétienne, receives thanks for the volume of proceedings of the six conventions of his association, 535, and his purpose, the works presented, the frequent attendance at Holy Communion, the integrity of doctrine and discipline instilled, are praised, 536. Lahitton, canon: His book on the priestly vocation, already approved by a special commission of Cardinals, and republished, is praised, 290. The diocese of Lahore is subject to the metropolitan Church of Simla, 287. « La Providence du Prado » see Chevrier. Lasplasas: Two of his works are included in the index, 9. The Lateran seminary, see Roman. The Lauretan house, see Mass of thanksgiving for the blessed Mary. « Le Bulletin de la Semaine »: The declaration of the Archbishop of Bordeaux against this weekly publication is praised, 289. Lessons in the Divine Office should be restored to their original form, so that the complete reform of the Roman Breviary may be achieved, 449. — Regarding Scriptural passages, responses should always be recited with the proper antiphon, 451, 460. Interpretation of legal provisions: The Apostolic Signature does not address this matter, 532. Leo XIII: The work instituted under his name, see Vasques. The diocese of Leonensis will be called by the same name as the diocese of Nicaragua, but with a different territory, 549, see Nicaragua. The Leonian college, to which the faculty of canon law of the Roman seminary is transferred, should not

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admit students unless they are destined for the priesthood, 299: It retains its Cardinal protector, with the same discipline and economic administration, 492, and enjoys the same Prefect of Studies as the Lateran seminary, but with its own rector and other superiors, 494: — Regulations are given for the election of these officials, 494, and for the economic administration, 495. Lépicier Alexis, General Prior of the Order of the Servants of the Blessed Virgin Mary, receives a letter, in which the Most Reverend Father celebrates the 25th anniversary of the Founders being honored with heavenly honors, and commends the good works done for the Church, 453; he rejoices that his Order has not wavered, and is confident that it will provide even greater fruits, and praises the number and discipline of the young men attached to the Order; he praises the St. Alexis Falconer college in Rome, which is open to students from all regions and offers knowledge from pure sources, and also the intention of promoting similar studies in other colleges, of restoring the ancient writings of the Order to their former splendor, and of watching over the newly ordained priests so that they do not gradually lose their sacred knowledge, 454, and prays for all that is good for the Order, 455. The Most Reverend Father laments that the freedom granted by Constantine is now being taken away from the Church, 147, see Pilgrims. The Most Reverend Father does not approve of the unjust limitation of the right to freedom, 18. The apostolic vicariate of Libya is established in the territory formerly subject to the apostolic prefecture of Tripoli, 234. The Most Reverend Father laments that the Church is losing its freedom, which is granted by all kinds of permissions from civil authorities, 149.

[*Latin ed. p. 593*]

Index of Notable Matters. 593. The "Evangelical League" association, celebrating its 25th anniversary with a gathering in Paris, is praised for the good results it has brought to the Church and for the desirable goals of the gathering, 508. The provincial seminary in Peru, established by the bishops, is approved, 30. The apostolic prefecture of Lindi is established in central Africa, from territory taken from the Vicariate of Dar es Salaam, 497. B. P. thanks J. Lintelo, of the Society of Jesus, for the copies of the "Action catholique" periodical, and for the decrees on the Eucharist disseminated to the clergy, 333. B. P. laments that apostolic letters were intercepted in Lusitania, 421. The feast of St. Louis (S.) is observed throughout on August 25, 463. The assembly of jurists in Lyons, see Sevin. The celebrations in Lyons are praised for the good example set by the birth of Frederick Ozanam, 228. The Republic of Lusitania: B. P. laments that it has declared war on the Church, 420, see Mendes on the war. Marcus of Aviano (Venice), originally Charles Cristofori, born in the territory of Venice and educated in the college of the Society of Jesus, undertook a journey to Turkish lands, eager for martyrdom, but was forbidden to continue and returned to his homeland. He then entered the Order of Capuchins. He held several pre-

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fectures in the Order, and as a missionary of the Word of God, he traveled through many cities of Italy and Europe. Later, he was sent to Vienna, then besieged by Turkish troops, where he fostered peace among the leaders and encouraged the faith of the Christians, even taking up a crucifix in the midst of the fighting. After the victory, he returned to his ministry, and died in the Lord with great sorrow for the civil and ecclesiastical authorities, 11. He is held in great veneration, and the cause for his beatification is being pursued in the Viennese and Venetian curias, and is being introduced to the Holy Roman Church, 12. Alfred Margerin, rector of the Catholic University of Insula, see Insula. Maria Crucifixo Di Bosa, born in Brescia and educated there, dedicated herself entirely to family life and to the workshops for young girls, and cared for the sick with Asiatic lue and other diseases in the Vicariate of Machinsie (de). The apostolic vicariate of Demorniensi is subject to the Congregation for the Propagation of the Faith, 182. She followed the opinion of the Holy See; and the apostolic vicariate of central Madagascar was divided into two to form the cause for her beatification, 551. A new vicariate of Fianarantsoa was created, 235; and another territory was ceded to form the apostolic prefecture of Bestum, which is the titular province of St. Mary of Angels, 273; and the name was changed to the vicariate apostolic of Tananarive, 274. In it, the proper office can be held, leaving the office of Common Dedication, 371. The apostolic vicariate of southern Madagascar, with a changed name, will be called Fort-Dauphin, 274. The Institute of Mary Queen of Hearts, begun in the archdiocese of Ottawa-Cornwall and spread in many regions of America and Europe, is under the direction of missionaries of the Society of St. Mary of the Blessed Virgin, 485, now canonically established in the city, with the title of archdiocesan archconfraternity and privileges, 549. Paula Mondatori-Sacchetti: a certain work of hers is referred to in the Index, 9. Manuscripts, written during the period of vows, cannot be given away or alienated, 366. The Society of Mary, see Hiss. ACTA, Vol. V, n. 19. — 31-12-913. 41.

[*Latin ed. p. 594*]

594 Index analyticus rerum notabilium. The feast of the Holy Martyrs (Ss.) and their companions is celebrated before the feast of St. Canute, King, after a reduction to the simple rite, 462. The Republic of Marino: a law promulgated by it concerning the concession, vacation, and alienation of ecclesiastical goods is condemned, 307, as unjust, harmful to the freedom of the Church, and destructive of ecclesiastical discipline, 308. The seminary of Marsorum receives thanks, 226, for the letters of veneration and obedience presented by the Most Reverend. Bernardus Martines, director of the Congregation of the "Talleres de Caridad de Santa Rita de Casia," receives a letter in which the Most Reverend grants to all sodalities, even those existing in Latin America, which are dependent on the central council of Madrid, the faculty to impart the papal blessing annually to the peo-

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ple, and praises the sodality itself for its active charity, and confidently expects it to spread daily, 515. Martyrdom, see Heroicity. A new edition of the Roman Martyrology is approved, 278. The diocese of Matamensis is created on the island of Cuba, 94. Marriage, as a contract, is perfected by mutual consent, 166: - a marriage validly contracted civilly, where the law of Trent does not apply, is valid, unless the intention of the spouses is to fulfill only the civil ceremony, and not to enter into a true marriage, which often occurs in Germany, 168: for Christians, the contract and the sacrament are the same, 328: - the will to dissolve the marriage affects its validity, 328. - Impediments to marriage: consanguinity, 202; lack of consent, 328, 466, 555; a substantial defect of person, 374; force and fear, 254, 466. The Milanese seminary is enriched with the faculty to grant academic degrees in canon law, 57. Stanislaus Medolago-Albani, president of the socio-economic union, receives thanks for the lectures on sociology offered by Father Monetti, S.J., and used in the Catholic social school, which are praised for their soundness of doctrine and usefulness to young people, 538: - he is also praised for the good results produced by the society itself, and is confirmed in his office, and it is affirmed that, in order for the society itself to achieve greater growth, it will be necessary to give it new laws and a new order; for the present, it is necessary to refrain from renewing its functions, 539. The Most Reverend rejoices that the island of Melite is chosen for a Eucharistic congress to be held during the Constantiniana celebrations, and sends Cardinal Dominic Ferrata as a legate, 180, and praises the faith of the citizens, received from St. Paul and preserved in great variety of circumstances, which was also evident in the solemn coronation of the Blessed Virgin Mary of Conspicua, and is confident that the congress itself will be of great benefit to the people, as it will tend to increase the study of the Divine Eucharist, 181, see Ferrata. Anthony Mendes Bello, Patriarch of Lisbon, receives a letter in which the Most Reverend recalls the encyclical letters sent by him when the law concerning separation from the Church was decreed, but states that he had hoped that, with the fervor of spirits increasing, reverence for religion would be renewed, but that events have belied this hope, 420. He recalls bishops who were summoned to court and expelled from their sees, priests who were expelled or imprisoned, goods and the administration of the stipends offered by the faithful to the Church were taken away, sacred buildings were given to schismatic associations of laymen or even closed, seminaries were subjected to civil authority, and the practice of religion was even prohibited in private schools, apostolic letters were intercepted, the institute of Urban was given a new name and a new purpose, 421. He laments the persecution that has been stirred up in the Lusitanian Church and in the nation, which, agitated by internal strife, cannot achieve growth in peace and prosperity. However, he rejoices in the constancy of the bishops, clergy, and Catholics, and implores God to restore peace to the Church and to society during this time, 422. Virgilius

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Merau, of the Order of Capuchin Minor Friars, receives a letter in which he is praised for the catechism disseminated among Catholic families by the Confederation of St. Michael, and the Most Reverend offers his congratulations for the work accomplished, 17. Cardinal Besideratus Mercier, Archbishop of Mechlin, receives a letter in which the Most Reverend approves the solemn celebration of the anniversary of the founding of the College of St. Romuald, and,

[*Latin ed. p. 595*]

Index analyticus rerum notabilium. Those who are instructed there, among whom Your Eminence is included, declare the utility of the discipline of a school informed by Religion," 267, and he hopes for continued growth of the College, 268. Concerning Sebastian: a certain work of his is referred to in the Index, 277. The Metensi community of Catholics receives a letter from the council's president and secretary, in which His Eminence expresses his gratitude for the letters sent to Sebastian, 422, in which they gave a solemn testimony of faith in Christ and devotion to his Vicar: and he congratulates them on the intention of celebrating the Constantiniana festivities, strongly advocating for full freedom for the Pontiff and religious Orders, as well as for the recognition of the rights of the Church in schools; and he is confident that the community itself, under prudent leadership, and located in a most religious city, will bring forth the best fruits for Catholic Germany, and he prays for its success from God, 423. The fear that dissolves marriage, 255; also, the reverential fear, 555. The Mexicana archdiocese cedes certain parishes to the newly formed Tacambarensi diocese, 430. — Regarding the Republic: the archbishops and bishops receive a letter in which His Eminence rejoices in the intention of dedicating the Republic to the Most Sacred Heart of Jesus, approves of the images that have the insignia of the royal dignity at their feet, and is confident that, through the protection of the Divine Heart and grace, salvation and peace will be obtained for the benefit of the Republic, 546. Saint Michael the Archangel: — A confederation is formed under his patronage, see Mereau. The diocese of Saint Michael is established in the Republic of Saint Salvador, and the territory is taken from the newly established homonymous archdiocese, to which it remains a suffragan, 95. Ministers of the Church: His Eminence laments that those without a proper calling are prohibited from undertaking their ministry, 150. Minor Conventuals: Due to the prolonged illness of the general minister, the general vicar, His Eminence, by his own authority, elects those who will govern, 5, see Sottas, Dall'Olio. Minor Brothers of the Leonian Union: — Their general constitutions, approved by Pope Leo XIII, with some suppressed, added, or modified according to the needs of the times, are newly approved, 184: — 595 are granted the mission of Putumayo in South America, 308 — when visiting their churches or chapels in Spain,

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on the feasts of Saint Paschal Baylon and on the 17th of each month, an indulgence of plenary remission is granted for ten years, 121. Masses: — Masses for the deceased, even if permitted according to the rubrics, are not required to gain the indulgence of the altar of privilege, 122: recited masses, granted in certain places by privilege, may not be said after five years from their granting, on major feasts that have their own proper mass, and on vigils, 44. — Gregorian (see above). — In private oratories, see Oratories. — Pontifical masses are generally not celebrated before the Most Sacred Sacrament is exposed, 66. — Solemn masses are not about parochial rights, 524. — For betrothals, outside the prohibited times, they are permitted on major feasts and on non-privileged vigils, 43. — Votive masses of the Blessed Virgin Mary cannot be said on the feasts and within the octaves of the same, but a mass of the feast, or octave, even if only commemorated, may be said with festive rites, 124, and on vigils of the same Blessed Virgin Mary, a mass of the vigil may be said with its own proper rite, 125. — Votive masses of Saint Benedict are permitted on each day from the Duplicates of Class I, not prohibited, at the altars of the crypt of Casinensis and at the main altar of the cathedral, 116. — Votive recited masses, which are not for betrothals, are prohibited on major feasts that have their own proper mass and on vigils, even where these are permitted by privilege in Duplicates that are not of Class I and II, but in their place, in the mass of the day, feast, or vigil that was not privileged, the Votive Mass Prayer may be added. However, even a recited mass is permitted, when there is a special gathering of the people and the mass cannot be conveniently sung. These are also permitted where their privilege is in force in Duplicates of Class I or II, 43. — Votive solemn masses: the rules regarding them remain unchanged, 43. Missionaries to the Africans: They are granted a new apostolic vicariate of Banguelo, 234: — also a new apostolic vicariate of Kivu, 26.

[*Latin ed. p. 596*]

596 Index of Notable Matters. The missionaries of the Most Sacred Heart of Jesus of the Italian Province, the oratory built in the city by Father Victor Jouet, and the pious association for the souls in Purgatory established there, as well as the church to be built and the parish to be soon established, are supported, after the death of the founder, by the Most Reverend [prelate], 28. Parish missions, see Redemptorist. The Most Reverend [prelate] is pleased that Modernism is completely absent in the Catholic University of Angers, 425. The periodical "Momento" is forbidden to religious, 7. Monks or nuns of any house, of any Order or Institute, must use their ordinary confessor at least once every three years, and an extraordinary confessor to whom they may go more often, at least receiving his blessing, 62, as well as priests designated for this purpose, to whom they may have recourse, or even special confessors, if sought out by any reli-

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gious; which is in no way to be disapproved or hindered by the Ordinary; and they are not to speak of the confessions of their companions, under pain of punishment, 63: those living outside the house, or seriously ill, may confess to any priest and are considered to have made a valid confession for both sexes, and are not required to give any account of this matter, nor are they to be questioned, 64: the decree of the Holy Congregation for Religious should be included in the Constitutions and read aloud in the public meeting each year, 64. Their confessors should be at least forty years old, distinguished by integrity of character and prudence, should exercise no external authority over them, and should not interfere in the management of the house, 63. The ordinary confessor must be changed after three years, unless there is a lack of suitable priests, or if requested by a majority of the religious, 62: he cannot be chosen as an extraordinary confessor before the three years have elapsed, 63. An extraordinary confessor should be available to each monastery several times a year, and all the nuns should have the opportunity to go to him and receive his blessing, 62. A priest designated by the bishop or religious superior should be called upon in particular cases, 63. A special confessor may be requested by individual religious, and should be granted without any inquiry, provided that those who request him do so prudently; this is also permitted to nuns who are seriously ill, 64. All of these are authentic and are also available in Italian, 156, French, 159, Spanish, 240, German, 243, and English, 246. "Monte Citorio," see Trinity. The diocese of Mont-Laurier is established in Canada, from territory taken from the archdiocese of Ottawa-Cornwall, 430. Holy death: an indulgence of 300 days is granted for this, requested by prayer to Saint Vincent Ferrer, 271. The plan to establish a music society in Baiona is to be commended, 477. The apostolic prefecture of Namaqualand is distinguished from the lower prefecture of Cimbebasia with new boundaries, 250. Nevers: The Sisters of Charity and the Christian Institute, see Soubirous. The diocese of Nicaraguan, now called Leonensis, is separated from the ecclesiastical province of Guatemala, and certain territories are ceded to form the archdiocese of Managua, to which it will be subordinate, the diocese of Granada, and the apostolic vicariate of Bleufieldsensis, 549. Michael Le Noblets (of Venice), born in Armorica, and even as a child marvelously devoted to the most blessed Virgin, dedicated himself entirely to the care of souls. Working with great merit in the schools of the Society of Jesus, he refused a benefice offered by the Bishop of Leonensis, thereby incurring the anger of his parents, who expelled him from the house and assigned him to the care of a flock, a duty which he humbly accepted, until his father, having regained his senses, accepted his blessing, and he went to Paris and was raised to the priesthood. Returning to his homeland, he lived a life of solitude, 520, and devoted himself to missions with great fruit, and, by obedience, he faithfully performed the duties of a parish priest. Admitted to the novitiate of the Order of Preachers, and then dismissed,

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he dedicated himself to instructing the faithful of Armorica, who were uneducated and ignorant of religion, and he bore with great patience the machinations of powerful men, by whom he was repeatedly moved from place to place, always obeying ecclesiastical authority.

[*Latin ed. p. 597*]

Index analyticus rerum notabilium. He, who, through fasting, abstinence, poverty, and generosity towards the poor, was renowned in Glaris, 521. Having reached an advanced age, he joined Father Julian Maunoir, S.J., to his missionary endeavors, so that they might continue after his death; and, after bravely enduring a painful illness, he peacefully departed this life. All of Armorica mourned his death, and he was held in the highest esteem; and a cause for his beatification has been introduced to the Sacred Roman Church, 522; a decree concerning his heroic virtues, leading to beatification, is now being published, 523. The feast of the Name of Jesus should be celebrated on the Sunday that falls between January 2nd and 5th, 450, 458. The archipelago of Spitzbergen is attached to the Norwegian vicariate apostolic, 275. The book "Nouveau Psautier du Bréviaire Romain," written by Canon Pannier, is praised, 333. Nullities in the Sacred Rota are admitted only for three types of cases: those pertaining to jurisdiction or competence, mandate, and citation, 281. All scapulars, whether visible or not, that are kept in a church or other religious gathering, can be blessed by priests who possess the faculty to bless scapulars, with a single sign of the Cross, and are then valid for both those who have already received scapulars and for those who will receive them in the future, from the very day of reception, 303. The Nyassensis vicariate apostolic is divided into two, in order to form a new vicariate of Banguelo, 233. 597 — Second Vespers of Class II should be celebrated only on the Octave, and that under a simple rite, 451, 460. — The Octave of the Ascension is also included among those with privileges, 460. Economic matters: The Most Reverend prelate rejoices that the Catholic Institute of Paris has adopted regulations on this subject, 490. The "Oeuvre des lectures" is praised for indicating to the faithful, through writings, even periodicals, the moral and Dis religious value of other books and writings, 19; and it is said to be particularly useful in these times, although somewhat difficult, 20. Eugenius O'Keefe receives a letter in which the Most Reverend prelate praises him for his sincere Catholic faith, his kindness in all its forms, and especially for his generosity in contributing to the new seminary, 489. Option for canonical prebends, 217. The Oranensis cathedral, formerly located in the church of St. Louis, is being transferred to the new church of the Most Sacred Heart of Jesus, 391. The Society, canonically established in Barcelona under the name of "Prayer for the Pope," which includes a large number of members, even from religious families, and which celebrates many sacred functions with great benefit to the faithful, and which promotes frequent Communion

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and devotion to the Roman Pontiff, is praised, 417, and is being erected into an archconfraternity with the faculty of being established throughout the world, 418. Private oratories: In these, Masses are permitted on the feast of the solemn commemoration of St. Joseph and the Most Holy Body of Christ, the Annunciation of the Blessed Virgin Mary, and the feast of the local patron saint, provided that the latter is not a feast of precept, as well as on the feast of the Holy Trinity, 183, on the Sunday within the Octave of the Body of Christ, and on the Nativity of St. John the Baptist, 184. Indulgences. The "Obsecro te" prayer, which already grants indulgences, will not lose them if certain words are added to it, 123. Religious Orders: The Most Reverend prelate laments that certain liberties and goods have been taken away from them, but that they will not lose them if certain words are added to it, 123. The archdiocese of Ottawaâ-Cornwall cedes a certain territory to the new diocese of Mont-Laurier, 430. Observance: A more certain contract is an interpreted agreement, 506. Anthony Frederick Ozanam: The Most Reverend prelate rejoices in him who, through his writings and deeds, has brilliantly defended the Catholic faith with a brief life of virtue, and who, on the occasion of the anniversary of his birth, is being honored by the Vincentian Conference, to which he is devoted, with devotion to the Blessed Virgin, and whose virtues are being celebrated, 430. Octaves: - First Vespers of Class I, which are not privileged, should be recited by all for the Hours of Matins, Lauds, and the Psalms of the current day's Psalter, 450, 460; they yield to the Octave of the same feast, unless they are of greater importance, 462.

[*Latin ed. p. 598*]

598 Index analyticus rerum notabilium. He, who excels in charity towards the poor, and who sees the salvation of civil society solely in the observance of religious duties, diligently strives in all ways to alleviate human suffering, seeking their supernatural perfection, and his efforts are solemnly celebrated (177, 228). He sends Cardinal Vannutelli, his legate, to the Society of that Order (178); and this Society is praised because, in a short time, it has spread to many regions and is producing great fruits for the Church (229). Canon Pannier, learned in the science of Holy Scripture, receives thanks for the book "Nouveau Psautier du Bréviaire Romain," presented by the Most Reverend, which increases understanding of the sacred liturgy (333). Regarding altars in Papalia: the Holy Roman Church grants to its Cardinals the power to celebrate Masses and other solemn functions at these altars, for the solemnities of the Constantinian era (151). The Catholic Institute of Paris will no longer receive support from the dioceses of Vannes, Quimper [Cornouailles] (-Léon), and Saint-Brieuc, which will provide it to the Catholic University of Angers (426): He receives a testimony of particular benevolence from the Most Reverend, who praises the fruits produced for the Church and anticipates that new ones will be

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produced (489); he rejoices in the new disciplines concerning economics and commerce, and encourages bishops and the faithful not to fail to provide support (490). Patrology books should be used in seminaries, so that due reverence for the Fathers is not diminished (456). It must be certain that the Apostle Paul is the author of the pastoral epistles (292), despite the difficulties arising from the style and language, from the errors of the Gnostics, and from the established hierarchy; and these epistles should be considered to have been written after Paul's first imprisonment (293); nor should a fragmentary hypothesis be admitted (292). Regarding the Bishops of Piedmont, see Richelmy. The Most Reverend addresses the pilgrims on the occasion of secular celebrations commemorating the peace granted to the Church by the Emperor Constantine the Great, rejoicing in their arrival; he laments that the very freedom is often denied to the Church in these times; he reiterates the purpose of civil societies, which far surpasses their own limits (147), and the mission received from Jesus, without any limitation, to teach all nations, to govern souls, and to administer the sacraments, to spread the precepts and counsel of the Gospel; he also reiterates the Church's right to possess and administer pious offerings from the faithful (148), which she has so often defended. The Most Reverend laments the loss of all kinds of freedom granted to citizens by civil society, but denied to Catholic citizens, to Catholic doctrine, to Catholic newspapers, to Catholic processions (149), to Catholic ministers of both the clergy; and he urges the pilgrims to strive vigorously to obtain it, while opponents claim that Church freedom greatly contributes to public safety and tranquility (150). Regarding the Bishops of the Republic of Peru, see Garcia Naranjo. The work of Petre M. D. on the life of George Tyrrell is included in the index (277). Philosophical books should be excluded from seminaries if they deviate from the directives of the Apostolic See (456). The Society of the Sacred Hearts of Jesus and Mary (Picpus): to it is granted a new apostolic prefecture in the western part of Terra Nova (369). The Latin American College in Rome is commended to the Bishops of Peru (30). The Pious Seminary is transferred to new buildings near the Lateran Palace, and is joined to the larger Roman Seminary, with the same superiors, but with separate administration of goods (494). Regarding the "For the Pope and for the Church" priestly association, see Bubillark: the privileges and indulgences granted to its members are declared (305). Regarding the Society of Perpetual Prayer (Pontifice), see Oratione. The present condition of the Supreme Pontiff is unworthy, and his complete freedom must be restored (423). The book "Pour l'action catholique," written by the Bishop of Vannes, is praised, and is said to be in accordance with the decisions of the Holy See (446). Regarding the Brothers Preachers (Cormier): to the Province of the Most Holy Rosary in the Philippine Islands is granted a

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new apostolic prefecture of Formosa (367).

[*Latin ed. p. 599*]

Index analyticus rerum notabilium. 599 Apostolic Prefectures are established: the Prefecture of Bar-Putumayo (de) for the mission to the Indians of southern America is established, and the care of the Order of el-Gazal in central Africa, 249; the Prefecture of ForMinorum is established, 308, in a certain territory, 366; the Prefecture of Kaffa meridionali in eastern Africa, separated from the Apostolic Prefecture of S. Leonis, 40; the Prefecture of Lindi in eastern Africa, 497; the minor Sunda Islands, 433; Western Guiana, 368. The prescription has been introduced to consider the good and tranquility of the citizens, 197. Quasi-parish: the cult of the Divine Infant in Pragensis requires actual residence and the will to develop it for a significant portion of the year in order to acquire it, and has experienced considerable growth, so that several confraternities bearing its name are established; all of these can, in the future, be established and organized by the Carmelites throughout the world, 152. Prayers that can be recited after Mass with the knees bent: these can be recited after Mass if the Mass is celebrated with some solemnity, or if some sacred function or pious exercise follows, 311. The Indulgence of the Redemptorist Congregation grants 300 days to those who recite it. A prayer is implored for a more fruitful mission, 154. The presbyter assisting in the blessing with the Most Holy Sacrament, after the pontifical Vespers imparted by the bishop, administers incense and the thurible, but not when he hands over the censer, 66. Presbyteri Pradosienses, see Chevrier. It is lamented by B. P. that the study of religion is prohibited in schools, even private ones, in Lusitania, 421. It is lamented by B. P. that Catholic processions, acting as if of public order, are prohibited from leaving the churches, 150. Religious Congregations of any order, legitimately established Institutes, see Moniales. Religious who have not the dominion over manuscripts which they wrote during the time of their vows, cannot donate or alienate them, 366; they can be absolved, even from censures, by any confessor with the approval of the local Ordinary, 431. B. P. does not approve of the right of property being subordinated to use, and the use itself not being for charity but for justice, 18. Ecclesiastical Provinces are established: Edmontoniensis in Canada, 182; S. Salvadoris in Central America, 95. It is permissible for those following the Indult to take or abandon the old Psalter at their discretion, and it must be used by them in the Kalendarium dioecesanum, except for the Offices votiva, 97. Richelmy, Cardinal Augustine, Archbishop of Taurinensium, receives a letter in which B. P. expresses gratitude for letters of devotion and for the sequence from the Piedmontese bishops, gathered in Augusta Taurinorum, to the Masses, 490, and to the very convents for the prayers for the souls in Purgatory, 491. The Association excited by the Eucharist, founded by Father Victor Jouet, and endowed with various privileges by the Apostolic

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See, 27, the deceased founder, Missionaries of the Sacred Heart of Jesus province of Italy, is established, and a special Delegate is appointed, Father Peter Benedetti, 28. Rituale Romanum: in it, certain Rubrics concerning the beginning of the Office for the Dead are found.

[*Latin ed. p. 600*]

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[*Latin ed. p. 601*]

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[*Latin ed. p. 604*]

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